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**ZONING ORDINANCE
FREMONT MUNICIPAL CODE
CHAPTER 2, TITLE VIII**

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Sec. 8-2100. Use of definitions.

For the purpose of this chapter, the words and phrases set forth in this article shall have the meanings respectively ascribed to them herein and the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used. (Ord. No. 87, § 8-2100.)

Sec. 8-2101. Abutting.

"Abutting" shall mean land having a common property line or district line or separated only by a private street, alley or easement. (Ord. No. 87, § 8-2101.)

Sec. 8-2102. Accessory use or structure.

"Accessory use or structure" shall mean a use or structure subordinate to or part of the principal use on the same lot and serving a purpose customarily incidental to the principal use. (Ord. No. 87, § 8-2102; Ord. No. 1107, § 1, 7-27-76.)

Sec. 8-2102.1. Adult book store.

"Adult book store" shall mean an establishment having as a substantial or significant portion of its stock in trade, books, magazines, other periodicals and sundry items which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or an establishment with a segment or section devoted to the sale or display of such material. (Ord. No. 1120, § 1, 11-2-76.)

Sec. 8-2102.2. Adult theater.

"Adult theater" shall mean an establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein. (Ord. No. 1120, § 2, 11-2-76.)

Sec. 8-2103. Agent of owner.

"Agent of owner" shall mean any person who can show written proof that he is acting for the property owner. (Ord. No. 87, § 8-2103.)

Sec. 8-2104. Agriculture.

"Agriculture" shall mean the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, apiaries, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, processing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities; and, provided further, that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals. (Ord. No. 87, § 8-2104.)

Sec. 8-2105. Alley or lane.

"Alley" or "lane" shall mean a public or private way, not more than thirty feet wide, affording only secondary means of access to abutting property. (Ord. No. 87, § 8-2105.)

Sec. 8-2106. Alter.

"Alter" shall mean to change any of the supporting members of buildings, such as bearing walls, columns, beams, or girders. (Ord. No. 87, § 8-2106.)

Sec. 8-2107. Apartment, efficiency.

"Efficiency apartment" shall mean a dwelling unit in a multifamily building consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities. (Ord. No. 87, § 8-2107.)

Sec. 8-2107.01. Apartment vacancy rate.

"Apartment vacancy rate" shall mean the number of vacant apartments in the city at a given time shown as a percentage of the total number of apartments in the city. Vacant apartments include those units which are:

- (a) Currently vacant and available for rent or lease;
- (b) Vacant but temporarily not available for rent or lease due to painting, cleaning or repairs; and
- (c) Currently occupied but will become available for rent or lease within one (1) week. (Ord. No. 1332, § 1, 6-26-79.)

Sec. 8-2107.1. Arts and crafts fair.

"Arts and crafts fair" shall mean an organized exhibit and/or sale of art works and craft items such as macrame, knitted goods, stitchery, pottery and other sales generally associated with these events. (Ord. No. 1070, § 1, 11-4-75.)

Sec. 8-2108. Automobile repair, major.

"Major automobile repair" shall mean the repair or replacement of frames and bodies, including painting, of vehicles of all weights and sizes, and the repair or replacement of engines, transmissions, power trains, and wheels of vehicles exceeding one and one-half ton capacity. This definition includes auto and truck paint shops, body and fender repair shops, and wrecked vehicle storage areas. When any of the above uses are an integral part of and connected with new motor vehicle dealers, such uses shall be considered as an accessory use. (Ord. No. 87, § 8-2108; Ord. No. 863, § 1, 9-21-71; Ord. No. 871, § 6, 10-26-71; Ord. No. 1120, § 3, 11-2-76.)

Sec. 8-2109. Automobile repair, minor.

"Minor automobile repair" shall mean the repair or replacement of all or portions of engines, transmissions, power trains and wheels of vehicles not exceeding one and one-half ton capacity. This definition includes auto transmission shops, brake and wheel shops, radiator repair shops, fuel and electrical repair shops, upholstery and muffler shops. (Ord. No. 87, § 8-2109; Ord. No. 1120, § 4, 11-2-76.)

Sec. 8-2110. Automobile sales area.

"Automobile sales area" shall mean an open area, other than a street, used for the display, sale or rental of new or used passenger vehicles or other motor vehicles, such vehicles as mobile homes and trailers, and such recreational equipment as campers and boats, in operable condition and where no repair work is done, but not including the rental of motor homes, mobile homes, or pickup trucks with campers mounted thereon in the sales area. (Ord. No. 87, § 8-2110; Ord. No. 871, § 7, 10-26-71.)

Sec. 8-2111. Automobile service station or gasoline service station.

"Automobile service station" or "gasoline service station" shall mean a retail place of business engaged in supplying goods and services essential to the normal operation of automobiles, such as: dispensing of automotive fuel and motor oil, vehicle washing and lubricating services; the sale and servicing of tires, batteries, replacement items and other automotive accessories, and minor automotive repair. This definition shall not be deemed to include such things as body or fender work, painting or major automobile repairs, sales of nursery products, or coupon redemption for or sales of merchandise not accessory to a motor vehicle. Gasoline service stations may also provide a towing service limited to no more than two trucks or equipment rental, subject to conditions of approval by the reviewing agency. When a conditional use permit shall have been granted to authorize an automobile service station or gasoline service station on a lot, the only use permitted thereon shall be the supplying of those goods and services described in the first and third sentences of this section, unless such conditional use permit expressly authorizes other uses. Permitted uses otherwise allowed in the zoning district in which a service station is located are not allowed in conjunction with a service station unless specifically authorized by a conditional use permit. (Ord. No. 87, § 8-2111; Ord. No. 307, § 1; Ord. No. 863, § 2, 9-21-71; Ord. No. 1120, § 5, 11-2-78; Ord. No. 1824, § 1, 5-1-79.)

Sec. 8-2112. Automobile wrecking.

"Automobile wrecking" shall mean the dismantling or disassembling of used motor vehicles or trailers, the storage, sale or dumping of dismantled, obsolete, or wrecked vehicles or their parts, and the towing of such vehicles or parts in connection with such activity. (Ord. No. 87, § 8-2112; Ord. No. 863, § 3, 9-21-71.)

Sec. 8-2113. Basement.

"Basement" shall mean a story whose floor is more than twelve inches, but not more than one-half of its story height, below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half below such level). A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement, and as a half story for purposes of side yard determination. (Ord. No. 87, § 8-2113.)

Sec. 8-2114. Beginning of construction.

"Beginning of construction" shall mean the incorporation of labor and material within the foundation of the building or buildings. (Ord. No. 87, § 8-2116.)

Sec. 8-2115. Repealed by Sec. 21, Ord. 371.

Sec. 8-2116. Board of adjustments.

"Board of adjustments" shall mean the board of adjustments of the city. (Ord. No. 87, § 8-2116)

Sec. 8-2117. Boardinghouse or rooming house.

"Boardinghouse" or "rooming house" shall mean a dwelling or part thereof where meals and/or lodging are provided, for compensation. (Ord. No. 87, § 8-2117; Ord. No. 1120, § 6, 11-2-76.)

Sec. 8-2118. Building.

"Building" shall mean any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as hereinafter provided. (Ord. No. 87, § 8-2118.)

Sec. 8-2119. Building, height of.

"Height of building" shall mean the vertical distance from the average contact ground level at the front wall of the building, to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs. (Ord. No. 87, § 8-2119.)

Sec. 8-2120. Building, main.

"Main building" shall mean a building in which is conducted the principal use of the building site on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the building site on which the same is located. (Ord. No. 8-2120, § 87.)

Sec. 8-2120.5. Bus.

"Bus" shall mean any motor vehicle, other than a motor-truck or truck tractor designed for carrying more than ten (10) persons including the driver and used for the transportation of passengers. The term "bus" has the same meaning as the term "bus" as defined in the California Vehicle Code. (Ord. No. 871, § 3, 10-26-71.)

Sec. 8-2120.6. Camper.

"Camper" shall mean a shelter designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes. The term "camper" has the same meaning as the term "camper" as defined in the California Vehicle Code. (Ord. No. 871, § 3, 10-26-71.)

Sec. 8-2120.7. Camper vehicle.

"Camper vehicle" shall mean a motor vehicle, such as a pickup truck, to which a camper is temporarily attached. (Ord. No. 978, § 2, 2-12-74.)

Sec. 8-2120.8. Carport.

"Carport" shall mean a detached or attached structure with a covered roof containing one or more parking spaces and open on one or more sides. A carport located upon a lot developed with a residential dwelling or dwellings serves a similar use as a private garage. (Ord. No. 978, § 2, 2-12-74.)

Sec. 8-2121. Cellar.

"Cellar" shall mean a story the floor of which is more than one-half of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises. (Ord. No. 87, 8-2121.)

Sec. 8-2121.3. Cessation of use.

As used herein, a use shall be deemed to have ceased when it has been discontinued either temporarily or permanently, whether with the intent to abandon such use or not. (Ord. No. 1069, § 1, 10-23-75.)

Sec. 8-2121.5. Circus and/or carnival and special event.

"Circus" and/or "carnival" and "special event" shall mean a temporary, organized, outdoor program of entertainment or exhibition such as a fair, gymkana, flea market, rodeo, or similar use, where activities include such things as rides, exhibits, food service, sales or small-scale games. (Ord. No. 301, § 1; Ord. No. 857, § 1, 8-24-71.)

Sec. 8-2122. City council.

"City council" shall mean the city council of the City of Fremont, California. (Ord. No. 87, § 8-2122.)

Sec. 8-2122.5. Combining district.

"Combining district" shall mean a district within which certain regulations and requirements apply in addition to, and are combined with, regulations and requirements of another district. (Ord. No. 490, § 1.)

Sec. 8-2123. Commercial.

"Commercial" shall mean any activity on or use of land which involves the buying, selling, processing or improving of things not produced on the land and having financial gain as the primary aim of the activity or use; whether or not such activity or use be for hire or on account of the buyer, seller, processor, or improver. (Ord. No. 87, § 8-2123.)

Sec. 8-2123.8. Commercial vehicle.

"Commercial vehicle" shall mean a vehicle of a type required to be registered under the California Vehicle Code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property. The term "commercial vehicle" does not include a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. The term "commercial vehicle" has the same meaning as the term "commercial vehicle" as defined in the California Vehicle Code. (Ord. No. 978, § 2, 2-12-74.)

Sec. 8-2124. Commission, planning.

"Commission" shall mean the city planning commission of the City of Fremont, California. (Ord. No. 87, § 8-2124.)

Sec. 8-2124.3. Community apartment.

"Community apartment" shall mean a project in which an undivided interest in land is coupled with the right of exclusive occupancy of an apartment located thereat. (Ord. No. 1332, § 2, 6-26-79.)

Sec. 8-2124.5. Community club.

"Community club" shall mean buildings and grounds used for and operated by a nonprofit organization whose membership is open to any resident of the district, neighborhood, or community in which the club is located; provided, that the primary objectives of the organization are the improvement of the district, neighborhood or community and its social welfare and recreation. (Ord. No. 395, § 1.)

Sec. 8-2124.6. Community development director.

"Community development director" shall mean the director of community development of the City of Fremont, California. (Ord. No. 968, § 1, 12-18-73.)

Sec. 8-2125. Conditional use.

"Conditional use" shall mean a use of land for which a conditional use permit is required, pursuant to sections 8-22500 to 8-22509 of this Code. (Ord. No. 87, § 8-2125.)

Sec. 8-2125.01. Condominium.

"Condominium" shall mean individual ownership of a dwelling unit within a multiple-unit structure exclusive of the land underlying said structure. (Ord. No. 1332, § 3, 6-26-79.)

Sec. 8-2125.1. Construction yard.

"Construction yard" shall mean an area on or immediately adjacent to a major construction or demolition site used on a temporary basis for the parking and storage of equipment used in the project, and the storage and preparation of materials and other items used in the project. Such yard may include construction offices and such shops as are necessary for work on the immediate project. (Ord. No. 382, § 1.)

Sec. 8-2125.2. Corporation yard; service yard.

"Corporation yard" or "service yard" shall mean buildings and premises, including offices, used by any person or by the city for the storage, maintenance, repair, and processing of equipment, materials and other items involved in construction or maintenance of physical facilities having permanently fixed locations, or in the operation of a fleet of rolling stock. (Ord. No. 382, § 1.)

Sec. 8-2125.5. Condominium development.

"Condominium development" shall mean a structure and appurtenant premises divided in ownership by the existence of condominiums as now or hereafter defined in Section 783 of the Civil Code of the State of California, and shall include instances where ownership is so divided following prior single ownership of the entire structure and premises, as well as new structures so divided in ownership. (Ord. No. 442, § 1.)

Sec. 8-2125.6. Controlled access highway.

"Controlled access highway" shall mean a freeway which has been designated a controlled access highway by the California Highway Commission or the state highway engineer. The term "controlled access highway" has the same meaning as the term "controlled access highway" as used in the California Streets and Highways Code. (Ord. No. 1003, § 1, 9-3-74.)

Sec. 8-2125.7. Convenience food store.

"Convenience food store" shall mean a grocery store limited to two thousand five hundred square feet in total floor area and carries a limited inventory. (Ord. No. 1120, § 7, 11-2-76.)

Sec. 8-2126. Court.

"Court" shall mean an open, unoccupied, and unobstructed space, other than a yard, on the same lot with a building or group of buildings. (Ord. No. 87, § 8-2126.)

Sec. 8-2127. Director of planning.

"Director of planning" shall mean the director of planning of the City of Fremont, California. (Ord. No. 87, § 8-2127.)

Sec. 8-2128. Department store.

"Department store" shall mean a store or group of shops under unified management, selling a variety of merchandise groups; normally including clothing, appliances, hardware, and furniture. (Ord. No. 87, § 8-2128.)

Sec. 8-2129. District.

"District" shall mean a portion of the territory of the city within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this chapter. (Ord. No. 87, § 8-2129.)

Sec. 8-2129.3. Domestic pet.

"Domestic pet" shall mean any of the various animals customarily kept as household pets (except exotic animals). (Ord. No. 1115, § 1, 10-12-76.)

Sec. 8-2129.5. Drive-in enterprise.

"Drive-in enterprise" shall mean a business activity or other use of land consisting of sales or service activity predominantly rendered to patrons who normally receive the products or utilize the services at least in part while in automobiles upon the premises. This definition includes, inter alia, automobile service stations, automotive car washes and drive-in restaurants. (Ord. No. 537, § 1.)

Sec. 8-2129.6. Drive-in eating place.

"Drive-in eating place" shall mean an eating place:

- (1) Which has less than fifty percent of the floor area of the total structure devoted to indoor seating, and which services food and/or drink from throw-away plates, wrappings or cups; or
- (2) Which serves food from a pass-through opening to vehicles; or
- (3) Which serves food to parked vehicles.

Establishments selling prepared food for exclusive consumption off the premises shall not be considered as drive-in eating places on the basis of seating but may be considered as drive-in eating places on the basis of a pass-through opening or service to parked vehicles. (Ord. No. 1257, § 1, 7-18-78.)

Sec. 8-2129.8. Driveway.

"Driveway" shall mean a permanently surfaced area on a lot designed and required to provide direct access for vehicles between a street and a private garage, carport or other permitted parking space or parking area or loading area. (Ord. No. 978, § 2, 2-12-74.)

Sec. 8-2129.9. Driveway aisle, major.

"Major driveway aisle" shall mean a driveway providing principal access to the parking area or the driveway providing principal circulation throughout the parking areas or premises. (Ord. No. 1328, § 1, 6-5-79.)

Sec. 8-2130. Dwelling.

"Dwelling" shall mean any building or portion thereof, designated or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, or trailer coach. (Ord. No. 87, § 8-2130.)

Sec. 8-2131. Dwelling, single-family.

"Single-family dwelling" shall mean a dwelling designed to contain a single dwelling unit. (Ord. No. 87, § 8-2131; Ord. No. 927, § 1, 11-7-72.)

Sec. 8-2132. Dwelling, two-family or duplex.

"Two-family dwelling" or "duplex dwelling" shall mean a dwelling designed to contain two dwelling units. (Ord. No. 87, § 8-2132; Ord. No. 927, § 1, 11-7-72.)

Sec. 8-2133. Dwelling, multiple.

"Multiple dwelling" shall mean a dwelling designed to contain three or more dwelling units, including apartments, condominiums, attached townhouses and similar dwellings, but excluding motels, hotels, boardinghouses, lodging houses, fraternities, and similar dwellings. (Ord. No. 87, § 8-2133; Ord. No. 927, § 1, 11-7-72; Ord. No. 982, § 1, 3-26-74.)

Sec. 8-2134. Dwelling unit.

"Dwelling unit" shall mean one room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette. (Ord. No. 87, § 8-2134.)

Sec. 8-2135. Dwelling group.

"Dwelling group" shall mean a group of two or more dwellings, either detached or attached, located on a parcel of land in one ownership and having any yard or court in common. (Ord. No. 87, § 8-2135; Ord. No. 296, § 1.)

Sec. 8-2136. Family.

"Family" shall mean:

- (a) One person living alone;
- (b) Two or more persons living together, all of whom are related to one another by blood, marriage or adoption, provided that any person related by blood or adoption to one spouse shall be deemed related to all other persons related to such spouse by blood or adoption and shall also be deemed related to the other spouse and to all other persons related to such other spouse by blood or adoption; or
- (c) If they do not come under the provisions of (b) above, a group of not more than five persons living together. (Ord. No. 87, § 8-2136; Ord. No. 927, § 2, 11-7-72.)

Sec. 8-2136.1. Fence.

"Fence" shall mean a structure made of wire, wood, metal, masonry, or other material used as a screen or enclosure for a field, yard or lot. (Ord. No. 1040, § 1, 4-22-75.)

Sec. 8-2136.2. Fence height.

"Fence height" shall mean the difference in elevation between the top of a fence or hedge, and the ground surface, at the lowest point of the fence or hedge. Where a fence is erected atop or within ten feet of a retaining wall on the

property line or on the same lot, the height of the fence shall include the retaining wall. (Ord. No. 1040, § 1, 4-22-75; Ord. No. 1240, § 1, 3-21-78.)

Sec. 8-2136.3. Fence, open.

"Open fence" shall mean a fence constructed with material consisting of woven wire or other metals which restricts movement but not visibility. (Ord. No. 1040, § 1, 4-22-75.)

Sec. 8-2136.4. Finished appearance.

"Finished appearance," as applied to fencing, shall generally mean the shielding of posts and rails by the application of a facing. (a) Fencing in which such posts and rails are made a design feature of the fence, or (b) is so constructed that the posts and rails have the same appearance on both sides, shall be considered as having a finished appearance on both sides. (Ord. No. 1040, § 1, 4-22-75.)

Sec. 8-2136.5. Floodproof.

"Floodproof" structure shall mean any structure which, in the opinion of the chief building official, is designed and constructed to resist flotation, destruction or major damage by floodwaters. (Ord. No. 1065, § 2, 9-9-75.)

Sec. 8-2136.6. Floodwaters.

"Floodwaters" shall mean a body of water resulting from an overflow of a river, channel, bay, or drainage canal, or backwater due to inadequate downstream capacity which inundates the land. (Ord. No. 1065, § 3, 9-9-75.)

Sec. 8-2136.7. Floodwater without velocity.

"Floodwater without velocity" shall mean floodwater which lacks any significant current as differentiated from a watercourse with a significant current and a high volume of water moving past any given point of reference. (Ord. No. 1065, § 3, 9-9-75.)

Sec. 8-2136.8. Floodway.

"Floodway" shall mean the channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the floodwater or flood flows of any river or stream including but not limited to flood flows associated with the regulatory 100-year flood. (Ord. No. 1065, § 3, 9-9-75.)

Sec. 8-2136.8.5. Floor area.

"Floor area" shall mean the sum of the areas of the several floors of structure(s), as measured by the exterior faces of the walls, less any area within the structure(s) devoted to parking, vehicular atriums or enclosed malls and similar areas. (Ord. No. 1328, § 2, 6-5-79.)

Sec. 8-2136.9. Freeway.

"Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access. The term "freeway" has the same meaning as the term "freeway" as defined in the California Streets and Highways Code. (Ord. No. 1003, § 2, 9-3-74; Ord. No. 1065, § 3, 9-9-75.)

Sec. 8-2137. Garage, private.

"Private garage" shall mean an attached or detached accessory building located upon a lot developed with a residential dwelling or dwellings (or a portion of a main residential building) used by the occupants resident upon the premises, principally for the storage of passenger vehicles, and other vehicles and equipment permitted to be located upon the lot. (Ord. No. 87, § 8-2137; Ord. No. 627, § 1; Ord. No. 807, § 1, 11-24-70; Ord. No. 871, § 9, 10-26-71; Ord. No. 978, § 2, 2-12-74; Ord. No. 1241, § 1, 3-21-78.)

Sec. 8-2138. Garage, public.

"Public garage" shall mean a structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of motor vehicles or other vehicles; except that a structure or part thereof used only for storage (as in the case of a public parking area) or display (as in the case of an automobile sales area) of motor vehicles, but not for transients, and at which fuels and oils are not sold and such motor vehicles are not equipped, repaired, or hired, shall not be deemed to be a public garage. (Ord. No. 87, § 8-2138; Ord. No. 871, § 10, 10-26-71.)

Sec. 8-2139. General plan.

"General plan" shall mean the General Plan of the City of Fremont, California, as adopted by the city council October 24, 1956, as amended. (Ord. No. 87, § 8-2139)

Sec. 8-2140. Guest ranch.

"Guest ranch" shall mean ranch or farm with facilities for not more than fifteen guests. (Ord. No. 87, § 8-2140.)

Sec. 8-2140.5. Hedge.

"Hedge" shall mean a barrier formed by bushes, shrubs or trees growing close together in a line with interwoven branches. (Ord. No. 1040, § 1, 4-22-75.)

Sec. 8-2140.6. Historical resource.

"Historical resource" shall mean any building, structure, tree, plantlife, or site that either serves as a reminder of past eras, events, or persons important in local or other history, or represents a significant example of an architectural style of the past. (Ord. No. 1109, § 1, 8-3-76.)

Sec. 8-2140.7. Historical resource site.

"Historical resource site" shall mean any place constituting a historical resource not otherwise defined as historical resource structure. Such term includes, but is not limited to, creeks; sloughs; landings; ponds; lagoons; watercourses; canyons; historical communities; cemeteries and burial grounds; mountain peaks and passes; gravel pits; locations of previously existing buildings and structures; and locations of archeological significance. (Ord. No. 1109, § 1, 8-3-76.)

Sec. 8-2140.8. Historical resource structure.

"Historical resource structure" shall mean any building, structure, tree, or plantlife constituting a historical resource. (Ord. No. 1109, § 1, 8-3-76.)

Sec. 8-2140.9. Home improvement center.

"Home improvement center" shall mean a retail establishment which carries a full line of building materials, apertenances and decorator items for individual "do-it-yourselfer" residents, to facilitate the improvement, rehabilitation and maintenance of individual dwellings. This use is different in function from a building supply yard or lumberyard which stores large volumes of building materials for contractors, home builders and/or individuals, most of which is stored in special sheds or out-of-doors. (Ord. No. 1120, § 8, 11-2-76.)

Sec. 8-2141. Home occupation.

"Home occupation" shall mean a use customarily carried on in a dwelling by a resident thereof, which use is merely incidental to the residential use of the dwelling and subject to criteria as provided elsewhere in this chapter. (Ord. No. 87, § 8-2141; Ord. No. 352, § 1; Ord. No. 1086, § 1, 1-20-76.)

Sec. 8-2141.5. Industrial park.

"Industrial park" shall mean a combination of contiguous lots specifically planned for industrial uses, having continuity of design and function and uniform or integrated standards of development established by contract, covenant or deed restriction. (Ord. No. 1328, § 3, 6-5-79.)

Sec. 8-2142. Kennel.

"Kennel" shall mean a building or portion thereof, or other enclosure used to confine, feed, exercise, show, or provide shelter for more than five cats or dogs, ten weeks of age or older. Veterinarians' offices are specifically excluded. (Ord. No. 87, § 8-2142; Ord. No. 1115, § 2, 10-12-76.)

Sec. 8-2142.5. Landscaping.

"Landscaping" shall mean the planting and maintenance of trees, shrubs, lawns and other evergreen ground cover or material, including inorganic accessory materials utilized to accent or complement the vegetation. (Ord. No. 793, § 1, 9-15-70.)

Sec. 8-2142.8. Livestock.

"Livestock" shall mean domestic animals customarily kept, used, maintained or raised on a farm or ranch for commercial purposes, including but not limited to horses, ponies, burros, mules, donkeys, cows, steers, sheep, goats, chickens, ducks, geese, swine and rabbits. (Ord. No. 1115, § 3, 10-12-76.)

Sec. 8-2143. Lot.

"Lot" shall mean a piece or parcel of land owned as a single unit in common ownership, occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as are required by this chapter, and having frontage on and access to an approved and accepted city street which meets the standards of width and improvements as specified in the regulations of the city contained in or adopted pursuant to the subdivision chapter and street improvement chapter as to the section and the frontage of the lot involved, or having frontage on and access to an approved private street. (Ord. No. 87, § 8-2143; Ord. No. 762, § 1, 1-27-70.)

Sec. 8-2143.5. Lot area.

"Lot area" shall mean the net site area of a lot, expressed in terms of acres or square feet, exclusive of any public street easements, and exclusive of that percentage of the total area of any other public easements or private easements which is in excess of fifteen per cent of the net site area of the lot exclusive of any such public street easements, which net site area as thus limited can be legally occupied by a principal building or a group of such buildings and accessory buildings, or can be utilized for a principal use and uses accessory thereto, together with such open spaces as are required by this chapter. (Ord. No. 762, § 2, 1-27-70.)

Sec. 8-2144. Lot, corner.

"Corner lot" shall mean a lot abutting upon two streets at their intersections, or abutting upon a curvature of a single street, where such streets or curvature form an interior angle of less than one hundred thirty-five degrees. The point of intersection of the street lot lines, extended, is the "corner". A corner lot may have more than one corner and may also abut upon one or more streets which do not form the corner or corners of the lot. (Sec. 8-2144, Ord. 87; Ord. No. 762, § 3, 1-27-70.)

Sec. 8-2144.1. Lot, reversed corner.

"Lot, reversed corner" shall mean a corner lot the rear of which abuts upon the side of another lot, whether or not across an alley. (Ord. No. 1040, § 2, 4-22-75.)

Sec. 8-2144.2. Lot, through.

"Through lot" shall mean a lot which has two or more front lot lines which do not intersect to form a corner lot. (Sec. 3, Ord. 573; Ord. No. 762, § 4, 1-27-70; Ord. No. 1040, § 2, 4-22-75.)

Sec. 8-2145. Lot coverage.

"Lot coverage" shall mean that portion of the lot area covered by a building. (Sec. 8-2145, Ord. 87.)

Sec. 8-2146. Lot, depth.

"Depth of lot" shall mean the horizontal distance between the front and the rear lot lines. (Sec. 8-2146, Ord. 87.)

Sec. 8-2147. Reserved.

Editor's note—Ord. No. 762, § 5, enacted Jan. 27, 1970, repealed former section 8-2147 defining "lot frontage" derived from Sec. 8-2147, Ord. 87. The section has been reserved to preserve the Code format.

Sec. 8-2148. Lot, interior.

"Interior lot" shall mean a lot which has only one front lot line. (Sec. 8-2148, Ord. 87; Ord. No. 762, § 6, 1-27-70.)

Sec. 8-2149. Lot lines.

"Lot lines" shall mean the property lines bounding the lot. (Sec. 8-2149, Ord. 87.)

Sec. 8-2150. Lot line, front.

"Front lot line" shall mean any of the following:

- (1) Each street lot line of an interior or through lot,
- (2) Either one or the other of the two street lot lines forming a corner of a corner lot, and
- (3) Any street lot line not forming a corner of a corner lot. (Sec. 8-2150, Ord. 87; Sec. 1, Ord. 573; Ord. No. 762, § 7, 1-27-70.)

Sec. 8-2151. Lot line, rear.

"Rear lot line" shall mean the lot line opposite and most distant from the front line, where such lot line is not also a street lot line. (Sec. 8-2151, Ord. 87; Sec. 1, Ord. 573.)

Sec. 8-2152. Lot line, side.

"Side lot line" shall mean any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line. (Sec. 8-2152, Ord. 87.)

Sec. 8-2153. Lot line, street.

"Street lot line" shall mean a lot line separating the lot from a street. (Sec. 8-2153, Ord. 87; Sec. 1, Ord. 573.)

Sec. 8-2153.1. Lot line, alley.

"Alley lot line" shall mean a rear lot line separating the lot from an alley. (Sec. 3, Ord. 573.)

Sec. 8-2154. Lot width.

"Lot width" shall mean the width of the lot measured at right angles to its depth. (Sec. 8-2154, Ord. 87.)

Sec. 8-2154.1. Mobile home.

"Mobile home" shall mean a vehicle designed and equipped for human habitation, and for being drawn by motor vehicle. A mobile home is a type of "trailer" or "trailer coach" or "semi-trailer" as such terms are defined in the California Vehicle Code, and has the same meaning as "mobile home" as such term is defined in the California Health and Safety Code. (For the purposes of this chapter, the terms "mobile home", "travel trailer" and "trailer," which are each separately defined terms in this chapter, are mutually exclusive terms). (Ord. No. 871, § 3, 10-26-71; Ord. No. 978, § 2, 2-12-74.)

Sec. 8-2154.2. Mobile home park.

"Mobile home park" shall mean any area or tract of land where one or more mobile home sites are rented or leased or held on rent or lease to accommodate mobile homes for human habitation. The term mobile home park has the same meaning as "mobile home park" as such term is defined in the California Health and Safety Code. (Ord. No. 871, § 3, 10-26-71.)

Sec. 8-2155. Motel, including motor hotel.

"Motel" or "motor hotel" shall mean a group of buildings containing individual sleeping or living units, designed for use by automobile tourist or transients, with garage attached or parking space conveniently located to each unit. (Sec. 8-2155, Ord. 87.)

Sec. 8-2155.1. Motor home.

"Motor home" shall mean a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. A motor vehicle to which a camper has been temporarily attached is not a motor home. The term "motor home" includes within its meanings the terms "motor home", "house car", and "camp car" (with motor power), as such terms are used or defined in the California Vehicle Code or the California Health and Safety Code. (Ord. No. 871, § 3, 10-26-71.)

Sec. 8-2155.5. Motortruck.

"Motortruck" shall mean any motor vehicle designed, used, or maintained primarily for the transportation of property. The term "motortruck" includes within its meaning the terms "motortruck" and "truck tractor" as such terms are defined in the California Vehicle Code, except as modified by the definition in this chapter of "passenger vehicle" to include certain motor vehicles as passenger vehicles which are otherwise motortrucks or to include certain motor vehicles as motortrucks which are otherwise passenger vehicles. (Ord. No. 871, § 3, 10-26-71; Ord. No. 978, § 2, 2-12-74.)

Sec. 8-2155.6. Motor vehicle.

"Motor vehicle" is a vehicle which is self-propelled. The term "motor vehicle" has the same meaning as the term "motor vehicle" as defined in the California Vehicle Code. (Ord. No. 871, § 3, 10-26-71.)

Sec. 8-2155.7. Natural land slope.

"Natural land slope" shall mean the predominant slope or slopes in its natural condition disregarding minor surface humps or hollows. (Ord. No. 1020, § 1, 1-7-75.)

Sec. 8-2155.7.1. Nightclub.

"Nightclub" shall mean a drinking place which includes (a) an area in which patrons may dance, or (b) which provides live entertainment not including entertainment by a single, instrumental musician. (Ord. No. 1120, § 9, 11-2-76.)

Sec. 8-2155.8. Nonconforming building.

"Nonconforming building" shall mean a building or structure or portion thereof which (1) at the time of construction complied with the height requirements of the district in which it was located, and was sited on the lot on which it was constructed in compliance with the area and yard requirements of such district at that time, but (2) does not now conform to the presently existing height regulations of the district where located, or (3) is sited on the lot where it is situated in such a manner that there is a lack of conformity with the presently existing area or yard requirements of the district where located. (Ord. No. 1069, § 1, 10-28-75.)

Sec. 8-2155.9. Nonconforming lot.

"Nonconforming lot" shall mean a lot which, when lawfully created or established, complied with the width and area requirements of the district where located, but which does not conform to the presently existing area or width regulations of the district where located (or which does not conform to the presently existing requirements of the subdivision ordinance governing lot standards). (Ord. No. 1069, § 1, 10-28-75.)

Sec. 8-2155.10. Nonconforming use.

"Nonconforming use" shall mean a use which, when commenced, complied with use regulations of the district in which such use was commenced, and which does not conform to the presently existing use regulations of the district where the use is being conducted or carried on. The term "nonconforming use" shall be applicable to use of buildings, structures, and land. (Sec. 8-2156, Ord. 87; Ord. No. 1069, § 2, 10-28-75.)

Sec. 8-2156. Nonconventional principal residential structure.

"Nonconventional principal residential structure" shall mean a principal residential single- and two-family structure which is not detached from the principal dwellings on abutting lots or which is a townhouse, a patio home, a zero lot line home or a similar structure. (Ord. No. 1071, § 1, 11-4-75.)

Sec. 8-2156.1. Nursery.

"Nursery" shall mean an area where agricultural products are grown for transplanting, for use of stock for budding and grafting, or for sale on the premises. (Ord. No. 977, § 1, 2-12-74.)

Sec. 8-2156.2. Nursery, agricultural.

"Agricultural nursery" shall mean a nursery at which items sold are limited to agricultural products grown on the premises. (Ord. No. 977, § 1, 2-12-74.)

Sec. 8-2156.3. Nursery, commercial.

"Commercial nursery" shall mean an agricultural nursery selling products not grown on the premises (such as fertilizer, sprays, shears and garden hose), but which are associated with the care and maintenance of plants. (Ord. No. 977, § 1, 2-12-74.)

Sec. 8-2156.5. Nursery school, children's nursery school, child day care service.

"Nursery school, children's nursery school or child day care service" shall mean an establishment for the part-time care and instruction, whether or not for compensation, of seven or more children, other than those resident on the site. (Ord. No. 383, § 1; Ord. No. 1098, § 1, 5-4-76; Ord. No. 1120, § 10, 11-2-76.)

Sec. 8-2157. Nursing home or convalescent hospital.

"Nursing home" or "convalescent hospital" shall mean any place or institution, which makes provisions for bed care, or for chronic or convalescent care for one or more persons exclusive of relatives, who by reason of illness or physical infirmity are unable to properly care for themselves. Institutions for the care of alcoholics, drug addicts, persons with mental diseases, and persons with communicable diseases, such as contagious tuberculosis, are not included within the meaning of "nursing home" or "convalescent hospital." (Sec. 8-2157, Ord. 87; Sec. 1, Ord. 616.)

Sec. 8-2157.2. Open space.

"Open space," for purposes of this chapter, shall mean an outdoor area created by artificial or natural design not otherwise occupied by buildings (open spaces may be integral with, but may not be totally covered by, building areas, except as otherwise specified by district regulations) or paved areas for vehicular circulation or parking. (Ord. No. 982, § 2, 3-26-74.)

Sec. 8-2157.5. Overlay district.

"Overlay district" shall mean a district described by the zoning map within which, through imposition of a special designation, additional regulations and requirements apply in addition to those of the district to which such designation is added. (Ord. No. 915, § 1, 8-1-72.)

Sec. 8-2158. Parking area, private.

"Private parking area" shall mean an open area for the same uses as a private garage. (Sec. 8-2158, Ord. 87.)

Sec. 8-2159. Parking area, public.

"Public parking area" shall mean an open area, other than a street or other public way, used for the parking of automobiles and available to the public, whether for a fee, free, or as an accommodation for clients or customers. (Sec. 8-2159, Ord. 87.)

Sec. 8-2160. Parking space.

"Parking space" shall mean a permanently surfaced area of not less than one hundred eight square feet, either within a structure or in the open, excluding driveways or access drives, for the parking of a vehicle. (Sec. 8-2160, Ord. 87; Ord. No. 871, § 8, 10-26-71; Ord. No. 978, § 2, 2-12-74.)

Sec. 8-2160.1. Patio structure.

"Patio structure" shall mean an attached or detached roofed accessory structure open on one or more sides, whose principal use shall be for outdoor living and recreation. For the purposes of this section, the open sides may be closed with insect screening or readily removable flexible plastic screening not more than twenty mills thickness. (Sec. 1, Ord. 242; Ord. No. 1071, § 2, 11-4-75.)

Sec. 8-2160.2. Lath covered structure.

"Lath covered structure" shall mean an accessory structure with a uniformly open cover. A structure shall be deemed to have a uniformly open cover when the openings between the solid material of the lathcover are evenly spaced so as to make air and light passage possible over the entire structure. (Ord. No. 1071, § 3, 11-4-75.)

Sec. 8-2160.5. Passenger vehicle.

"Passenger vehicle" shall mean any motor vehicle, other than a motortruck, camper vehicle, or motor home, designed for carrying not more than ten persons, including the driver and used and maintained for the transportation of persons. The term "passenger vehicle" as such term is used herein, includes within its meaning "passenger vehicle" as such term is defined in the California Vehicle Code, including such vehicle design types as sedan, sports car, station wagon, wagon bus, and jeep-type automobile; provided, that the terms "motorcycle" and "motor-driven cycle," as such terms are defined in the Vehicle Code, are included within the meaning of "passenger vehicle" as such term is used herein. Provided further, that the following motor vehicles shall be deemed to be passenger vehicles for the purposes of this chapter:

(1) Any pickup truck, or motor truck of an exterior design type such as a sedan delivery truck (provided that any such pickup truck or sedan delivery truck does not have any camper attached or does not include any enclosure exceeding the height of the passenger cab or the width of the vehicle or extend beyond the end of the vehicle), or panel truck, when such pickup truck or sedan delivery truck or panel truck is used solely for personal purposes of the owner for the transportation of persons and is not used either for business or commercial purposes (other than for transportation to and from owner's place of business and work) or for the storage or transportation of property which is easily visible from the exterior of the vehicle;

(2) Any motor vehicle of an exterior design type identical or substantially identical to a passenger vehicle of a conventional design type (including size) such as a wagon bus, notwithstanding that the interior of such vehicle has been designed, equipped or altered for human habitation in a manner similar to a "motorhome" (and thus otherwise being subject to being defined as such), provided that the interior of such vehicle is not easily visible from the exterior as anything other than such a wagon bus or other passenger vehicle of conventional design type;

(3) Any commercial vehicle which is a motor vehicle of an exterior design type identical to a passenger vehicle of a conventional design type, notwithstanding that such motor vehicle is licensed as a "commercial vehicle."

The foregoing is subject to the following further provision: No motor vehicle which has attached or maintained on the ex-

terior thereof any commercial or noncommercial sign, shall be deemed a passenger vehicle for the purposes of this chapter, except for the minor and incidental identification of a business enterprise upon the front door of a passenger vehicle which is used by an occupant of a dwelling as the principal means of personal transportation to and from such occupant's place of business, and except for typical temporary bumper stickers and similar noncommercial signs. Any motor vehicle not meeting such conditions shall be deemed to be, whichever is most applicable, either (i) a "motor truck" for the purposes of this chapter whether designed, used or maintained primarily for the carrying of passengers or for the transportation of property, or (ii) a "commercial vehicle" for the purposes of this chapter whether or not such motor vehicle is of a type deemed to be or is or is not registered as a commercial vehicle under the California Vehicle Code. (Ord. No. 871, § 3, 10-26-71; Ord. No. 978, § 2, 2-12-74.)

Sec. 8-2161. Performance standards.

"Performance standards" shall mean regulations for the control of "dangerous or objectionable elements" as defined in sections 8-22600 to 8-22607. (Sec. 8-2161, Ord. 87.)

Sec. 8-2161.5. Pickup truck.

"Pickup truck" shall mean a motor vehicle commonly known as a "pickup truck" or "automobile truck", designed, used, or maintained primarily for the transportation of property and equipped with a permanently fixed open box frame and with a "manufacturer's gross vehicle weight rate" designated as three-quarter-ton, or one ton, or other weight rate. A "pickup truck" is a type of "motor truck" as such term is defined in the California Vehicle Code; provided, that for the purposes of this chapter, a pickup truck is not deemed to be a motor truck if and when used as a "passenger vehicle" or for a "camper vehicle" as such terms are each separately defined in this chapter. (Sec. 5, Ord. 627; Ord. No. 871, § 4, 10-26-71; Ord. No. 978, § 2, 2-12-74.)

Sec. 8-2162. Poultry farm.

"Poultry farm" shall mean any premises on which the primary use is the breeding, raising, or maintaining of poultry, for sale of egg or poultry, or where the primary income from the premises is derived from the aforesaid occupation. (Sec. 8-2162, Ord. 87.)

Sec. 8-2162.5. Premises.

"Premises" shall mean one or more contiguous lots under single or common ownership where the present or proposed uses on the property relate to each other by way of an integrated site layout and common vehicular circulation and parking areas. (Ord. No. 987, § 1, 4-2-74.)

Sec. 8-2163. Principal permitted use.

"Principal permitted use" shall mean a use for which no conditional use permit is required but which may be subject to site plan and architectural approval, planned unit development approval, or performance standards procedure, as specified in this chapter. (Sec. 8-2163, Ord. 87.)

Sec. 8-2164. Private noncommercial use.

"Private noncommercial use" shall mean a use operated by a private nonprofit club or association, such as fraternal associations, improvement associations, and similar groups; and

such use having the purpose primarily of serving the members of the club or association, and including uses such as private golf courses, country clubs, swimming pools, riding clubs, private lodges, and the like. (Ord. No. 87, § 8-2164.)

Sec. 8-2165. Produce.

"Produce" shall mean fruits, vegetables and other commodities which are derived from agricultural cultivation. (Ord. No. 1174, § 1, 6-14-77.)

Sec. 8-2166. Public use.

"Public use" shall mean a use operated exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, hospitals and administrative and service facilities. (Sec. 8-2166, Ord. 87.)

Sec. 8-2166.5. Quarry.

"Quarry" shall mean a use for obtaining, extracting or producing earth, rock, crushed stone, building stone, slate, limestone, gravel, sand, minerals or similar material products except for grading or excavation subject to or by express provision excepted from (but not including quarry operations) Chapter 4, Title VIII of this Code. (Sec. 1, Ord. 734.)

Sec. 8-2167. Quasi-public use.

"Quasi-public use" shall mean a used operated by a private nonprofit educational, religious, recreational, charitable, or medical institution; such use having the purpose primarily of serving the general public, and including uses such as churches, private schools, and universities, community, youth and senior citizen recreational facilities, private hospitals, and the like. (Sec. 8-2167, Ord. 87.)

Sec. 8-2168. Recreation, commercial.

"Commercial recreation" shall mean recreation facilities operated as a business and open to the general public for a fee. (Sec. 8-2168, Ord. 87.)

Sec. 8-2169. Recreation, private, noncommercial.

"Private, noncommercial recreation" shall mean clubs or recreation facilities operated by a nonprofit organization and open only to bona fide members of such nonprofit organization. (Ord. No. 87, § 8-2169.)

Sec. 8-2169.5. Resident.

"Resident" shall mean a person who occupies a dwelling as a home on a permanent basis, and has no other permanent place of abode. (Ord. No. 1086, § 3, 1-20-76.)

Sec. 8-2170. Roadside stand.

"Roadside stand" shall mean a temporary structure used for the display and sale of produce grown by the operator of the stand. (Ord. No. 977, § 2, 2-12-74; Ord. No. 1174, § 2, 6-14-77.)

Sec. 8-2170.5. Sales, wholesale.

"Wholesale sales" shall mean the sale of goods for resale, or the sale of goods produced or processed from raw or primary materials on the premises, or the sale of construction materials which require bulk delivery of the product. (Ord. No. 456, § 1.)

Sec. 8-2171. Salvage yard.

"Salvage yard" shall mean a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled or stored, including auto wrecking yards, house wrecking yards, used lumberyards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations. (Ord. No. 87, § 8-2171.)

Sec. 8-2172. Sanitarium.

"Sanitarium" shall mean any premises with fifteen or more sleeping rooms where persons are lodged and furnished with meals and nursing care. (Ord. No. 87, § 8-2172.)

Sec. 8-2172.5. Seat.

"Seat" shall mean a chair, stool, bench or similar facility furnished for the accommodation of guests or patrons while receiving some kind of service; each twenty-four inches of bench shall be considered equal to one seat. (Ord. No. 1328, 4, 6-5-79.)

Sec. 8-2172.7. Shopping center.

"Shopping center" shall mean a group of not less than three commercial shops on the same premises contained within a building or buildings of fifty thousand square feet or more, planned, developed and managed as a unit. (Ord. No. 1328, 5, 6-5-79.)

Sec. 8-2173. Signs, definitions relating to.

(a) "Sign" shall mean any writing (including letter, word or numeral), pictorial presentation (including illustration), decoration (including any material or color forming an integral part of other sign elements or used to differentiate such decoration from its background), emblem (including device, symbol or trademark), flag (including banner, balloon or pennant), or any other device, figure, logo, or similar character which:

- (1) is located and maintained as a freestanding structure or any part of a structure, or located and maintained on a building or other structure or device by being placed, installed, attached, affixed, fastened, pasted, posted, painted, printed, nailed, tacked or in any other manner thereon or thereto; and
- (2) is used to announce, direct attention to, identify or advertise; and
- (3) is visible from outside any building or structure.

Certain types of signs are defined in this section, namely "building sign," "display sign," "freestanding sign" and "projecting symbol sign." Other types of signs, not specifically defined in this section, such as "courtesy display signs," "major city entrance signs," "promotional signs," "public service signs," "tract signs" and other miscellaneous types of signs are, however, as well as such specifically defined signs, governed by Article 21 of this chapter which sets forth detailed regulations of signs. Certain types of

signs are designated "temporary" when, pursuant to said Article 21 or other regulations of this chapter, a sign permit for any such sign is issued for only a stated period of time.

(b) "Sign copy" shall mean that portion of a sign which consists of the actual writing, pictorial representation, decoration, emblem or flag, or any other device, figure, logo or similar character, as distinguished from that portion, if any, of a sign consisting of supports, uprights or structure on which a sign is supported, which supports, uprights or structure are or is not designed in such a manner as to form an integral background of any such writing or other said elements.

- (1) "Appurtenant sign copy" shall mean sign copy which relates only to goods sold or services rendered from, or relating to occupants of, the lot or structure upon which such sign is located, erected or maintained.

(2) "Nonappurtenant sign copy" shall mean sign copy which does not relate only to goods sold or services rendered from, or relating to occupants of, the lot or structure upon which such sign is located, erected or maintained.

(c) "Sign area" shall mean the area of the largest single face of the sign copy within a perimeter which forms the outside shape, including any frame which forms an integral part of the display, but excluding necessary supports or uprights on which the sign may be placed. Where there is no physical frame defining the perimeter of the sign, the area shall consist of that portion of the sign within a single continuous perimeter enclosing the extreme limits of the sign copy. The location of such perimeter shall be based exclusively on squares or rectangles. If the sign consists of more than one section or module, the combined areas of the sections or modules shall not exceed the maximum area as provided by Article 21. In the case of a freestanding sign designed with more than one exterior surface containing sign copy, the sign area shall be computed as including only the maximum single display surface which is visible from any one ground position.

(d) "Building sign" shall mean a sign, integral with a building housing a commercial or industrial enterprise, which contains appurtenant sign copy and whose allowable sign area is related to either the linear foot horizontal dimension (width) of the side of such building upon which such sign is maintained or to the square foot dimensions of the building facade of such side.

(e) "Display structure sign" shall mean one or more signs included within or maintained upon a structure designed and intended for pedestrian viewing, which structure in addition may serve some functional purpose other than the maintenance of signs therein or thereon.

(f) "Freeway or controlled access highway right-of-way line" shall mean that right-of-way line which is parallel to the main traffic lanes and does not include the access ramps or other property lines defining appurtenants to the road system.

(g) "Freestanding sign" shall mean a sign affixed to the ground upon a lot developed with a commercial or industrial enterprise, which contains appurtenant sign copy and whose allowable height and sign area is related to the point of location of such sign upon a lot, the lot area and street frontage of such lot.

(h) "Projecting symbol sign" shall mean a sign attached to a building, housing a commercial or industrial enterprise, where such sign is attached to a building side of such building as a projection therefrom and not integral with the building, and containing appurtenant sign copy which identifies and directs attention to the enterprise by means of pictorial presentation, symbol or other emblem but not including any written message or trademark.

(i) "Building facade" shall mean all or that portion of the surface area of the exterior bearing wall, or other exterior bearing enclosure, of a side of a building housing a commercial or industrial enterprise, which is visible from any one ground position, including (in calculating square foot dimensions) windows, entrances and exits, if any, but excluding architectural features and projections such as wing walls, parapet walls, eaves, freestanding columns and screen walls (sometimes building facade is described, but not always correctly in regard to certain buildings, as all that portion of a building side below the "eave line"). If a building is occupied by more than one enterprise, each such

enterprise, having at least one building frontage, may be credited with its own building facade, and allocated a portion of the total building facade of one or more building sides of the building, in accordance with the definition of "building."

(j) "Building frontage" shall mean the entire surface area of each side of a building housing a commercial or industrial enterprise. The surface area of a building side includes all of the surface of the exterior bearing wall or other exterior bearing enclosure of the building side (including, but not limited to, its building facade) and all other surface area of the building side between the maximum height of a building at such building side and the finished grade at the base of such building side (a building side thus described is generally identified in silhouette). The window displays, entrances and exits shall be included, and loading areas and service drives shall be excluded from the calculation of the horizontal dimensions (width) of a building frontage. Where more than one enterprise occupies a building, each such enterprise having an entrance for the exclusive use of such enterprise, may be credited with its own building frontage. Such enterprises may be permitted one building sign on the building frontage where such entrance is located.

(k) "Integral with the building": A sign integral with a building shall mean a building sign which is either a part of or attached flat against a building side and receiving its immediate and sole support from a structural element of the building, and which sign does not exceed the height of the building. A sign may be considered integral with a building if it is a part of or attached flat to a canopy, arcade, marquee or other similar building projection, or it is a vertical projection from a sloping roof of a kiosk, provided any such sign does not exceed the height thereof. A building sign, which is integral with the building, may also be considered an "integral design feature" of a building side upon which it is maintained, when the sign is designed to be so well related to the other design features and elements of such building that such sign is not only incorporated as part of such building side but does not appear as a design feature isolated from such other features and elements of such building side.

(l) "Kiosk" shall mean a small main building (whether or not correctly designated a kiosk in the traditional sense) which contains one hundred square feet of usable space, more or less, typically (but not necessarily) located within a pedestrian walkway and other open space developed in connection with other main buildings, and typically (but not necessarily) intended for such uses as key, magazine, refreshment and other stands and similar uses.

(m) "Diffused light" shall mean light which travels through a shield or material other than the bulb or tubing necessary to enclose the light source, which shield or material has the effect of dispersing the light before it strikes the eye of the viewer.

(n) "Direct light" shall mean light which travels directly from its source to the viewer's eye.

(o) "Indirect or reflected light" shall mean light which proceeds from its source to an intermediate object before being seen by the viewer (i.e., reflected off a wall surface). (Ord. No. 87, § 8-2173; Ord. No. 371, § 1; Ord. No. 393, §§ 1, 2; Ord. No. 477, § 2; Ord. No. 557, § 1; Ord. No. 559, § 1; Ord. No. 758, § 1, 12-16-69; Ord. No. 876, § 1, 1-11-72; Ord. No. 1309, § 1, 2-27-79)

Sec. 8-2174. Site, building.

"Building site" shall mean the ground area of a building or buildings, together with all open spaces required by this chapter. (Sec. 8-2174, Ord. 87.)

Sec. 8-2174.1. Special residential care facilities.

"Special residential care facilities" shall mean any state authorized, certified, or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children or the elderly when such homes provide care on a twenty-four-hour-a-day basis. (Ord. No. 927, § 3, 11-7-72.)

Sec. 8-2174.2. Specified anatomical areas.

"Specified anatomical areas" shall mean:

- (1) Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly rigid state, even if completely and opaquely covered. (Ord. No. 1120, § 11, 11-2-76.)

Sec. 8-2174.3. Specified sexual activities.

"Specified sexual activities" shall mean any of the following:

- (1) Human genitals in a state of sexual stimulation or aroused;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast. (Ord. No. 1120, § 12, 11-2-76.)

Sec. 8-2175. Stable.

"Stable" shall mean a building or portion thereof or other enclosure, not including pastures, used to confine, feed, exercise, show, or provide shelter for horses, cows or other hoofed animals, whether for private, public or commercial use. "Stable" includes, but is not limited to, stall, corral, paddock, barn, exercise area and arena, along with structures accessory thereto. (Sec. 8-2175, Ord. 87; Ord. No. 1115, § 4, 10-12-76.)

Sec. 8-2175.5. Reserved.

Editor's note--Section 5 of Ord. No. 1115, enacted Oct. 12, 1976, repealed former § 8-2175.5, defining "public stable" and derived from Ord. No. 862, § 8, enacted Sept. 21, 1971.

Sec. 8-2175.6. Standard industrial classification manual.

"Standard industrial classification manual" (SIC) shall mean the latest publication prepared by the Statistical Policy Division, Office of Management and Budget, Executive Office of the President of the U.S. and available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. As used in this chapter, the SIC shall constitute the detailed descriptions of uses enumerated in the various use districts except where such uses are otherwise defined in this chapter. (Ord. No. 1086, § 3, 1-20-76.)

Sec. 8-2175.8. Stock cooperative.

"Stock cooperative" shall mean a corporation which is formed primarily for the purpose of holding title to improved real property, and of which shareholders receive a right of exclusive occupancy in a portion of the real property. Such right of exclusive occupancy is transferred only concurrently with the transfer of the share of the corporation stock. (Ord. No. 1332, § 4, 6-26-79.)

Sec. 8-2176. Story.

"Story" shall mean that portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. (Sec. 8-2176, Ord. 87.)

Sec. 8-2177. Story, half.

"Half story" shall mean a partial story under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than four feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story. (Sec. 8-2177, Ord. 87.)

Sec. 8-2178. Story, first.

"First story" shall mean the lowest story or the ground story of any building, the floor of which is not more than twelve inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker or his family, shall be deemed the first story. (Sec. 8-2178, Ord. 87.)

Sec. 8-2179. Story, mezzanine.

"Mezzanine story" shall mean a story which covers one-third or less of area of the story directly underneath it. A mezzanine story shall be deemed a full story in case it covers more than one-third of the area of the story directly underneath the mezzanine story. (Sec. 8-2179, Ord. 87.)

Sec. 8-2180. Street.

"Street" shall mean a named public right-of-way which

provides a means of access to abutting property, or an approved private right-of-way which provides the sole means of access to a lot from a public right-of-way. (Sec. 82180, Ord. 87; Ord. No. 762, § 8, 1-27-70.)

Sec. 8-2180.5. Street frontage.

"Street frontage" shall mean

- (1) The existence of a street lot line, or
- (2) The lineal foot measurement of a lot at a street lot line. (Ord. No. 762, § 9, 1-27-70.)

Sec. 8-2180.6. Street improvement chapter.

"Street improvement chapter" shall mean Chapter 3 of Title VIII of this Code and other ordinances and regulations of the city regarding dedication and improvement of street rights-of-way. (Ord. No. 762, § 10, 1-27-70.)

Sec. 8-2181. Structure.

"Structure" is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner, except benches, statuary, planter boxes less than thirty-six inches in height, fish ponds less than eighteen inches in depth, and wood fences seventy-two inches or under in height. (Sec. 8-2181, Ord. 87; Ord. No. 1107, § 2, 7-27-76.)

Sec. 8-2182. Subdivision chapter.

"Subdivision chapter" shall mean Chapter 1 of Title VIII of this Code. (Sec. 8-2182, Ord. 87.)

Sec. 8-2183. Swimming pool.

"Swimming pool" shall mean any constructed pool, used for swimming or bathing, over eighteen inches in depth, or with a surface area exceeding two hundred and fifty square feet. (Sec. 8-2183, Ord. 87; Sec. 1, Ord. 126.)

Sec. 8-2183.1. Swimming pool, private.

"Swimming pool, private" shall mean all swimming pools which are used or intended to be used in connection with a single family residence, and are available only to the family of the householder and his private guests. (Sec. 1, Ord. 126.)

Sec. 8-2183.2. Swimming pool, public or semipublic.

"Swimming pool, public or semipublic" shall mean any swimming pool other than a private swimming pool. (Sec. 1, Ord. 126.)

Sec. 8-2183.5. Tract office, temporary.

"Temporary tract office" shall mean an office facility used on a temporary basis only, located on or immediately adjacent to a tract or subdivision with new development thereon, for sales and administrative activity associated with said development. (Sec. 2, Ord. 382.)

Sec. 8-2183.8. Townhouse.

"Townhouse" shall mean a dwelling unit which is a portion of a multiple dwelling and has one or more common walls with other dwelling units, where such unit is the sole dwelling unit on a separate lot, and where ownership of such dwelling unit includes an interest in common areas other than the lot upon which the dwelling unit is situated. (Ord. No. 1332, § 5, 6-26-79.)

Sec. 8-2184. Trailer.

"Trailer" shall mean a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle. The term "trailer" includes within its meaning the terms "trailer," "trailer coach," "semitrailer," "utility trailer," as such terms are used or defined in the California Vehicle Code or California Health and Safety Code. (For the purposes of this chapter, the terms "trailer," "travel trailer," and "mobile home," which are each separately defined terms in this chapter, are mutually exclusive terms). (Sec. 8-2184, Ord. 87; Ord. No. 871, § 4, 10-26-71; Ord. No. 978, § 2, 2-12-74.)

Sec. 8-2185. Reserved.

Editor's note—Ord. No. 871, § 2, repealed § 8-2185 pertaining to trailer camps and trailer parks. Former § 8-2185 was derived from Ord. No. 87, § 8-2185.

Sec. 8-2185.5. Transient.

"Transient" shall mean a person whose period of residence at the place where he is staying does not exceed one hundred twenty days. (Sec. 1, Ord. 436.)

Sec. 8-2185.6. Travel trailer.

"Travel trailer" shall mean a vehicle designed or used for human habitation and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the California Vehicle Code. The term "travel trailer" includes within its meaning the terms "travel trailer," "camp trailer," "tent trailer," "camp car," without motive power, as such terms are used or defined in the California Vehicle Code or the California Health and Safety Code. (For the purposes of this chapter, the terms "travel trailer," "trailer," and "mobile home," which are each separately defined terms in this chapter, are mutually exclusive terms). (Ord. No. 978, § 2, 2-12-74.)

Sec. 8-2185.7. Truck tractor.

"Truck tractor" is a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load as drawn. The term "truck tractor" has the same meaning as the term "truck tractor" as defined in the California Vehicle Code. (Ord. No. 871, § 4, 10-26-71.)

Sec. 8-2186. Usable open space.

"Usable open space" shall mean any open space, the smallest dimension of which is at least seven feet and which is not used as storage or for movement of motor vehicles, except that yards abutting a public street which are not adequately screened for privacy shall not qualify as usable open space. Balconies, porches, or roof decks may be considered usable open space when properly developed for work, play or outdoor living areas. At least thirty per cent of required open space shall be contiguous to and provide for private usage of the individual dwelling unit. (Sec. 1, Ord. 351; Sec. 1, Ord. 404.)

Editor's note—Section 13 of Ord. No. 1120, enacted Nov. 2, 1976, added provisions to the Code designated § 8-2186.1. In view of the fact the Code already contained a § 8-2186.1 relative to different subject matter and in order to maintain the alphabetical sequence of terms defined, the editors have designated existing § 8-2186.1 as § 3-2186.

Sec. 8-2186.1. Use, allowed.

"Allowed use" shall mean a use that is either permitted or conditional within a zoning district. (Ord. No. 1120, § 13, 11-2-76.)

Sec. 8-2186.2. Use, permitted.

"Permitted use" shall mean a use for which no conditional use permit is required but which may be subject to other approval proceedings as specified in this chapter. (Ord. No. 1120, § 14, 11-2-76.)

upward except as specified elsewhere in this chapter. (Sec. 8-2191, Ord. 87.)

Sec. 8-2186.5. Vehicle.

"Vehicle" shall mean a device by which any person or property may be propelled, moved or drawn, excepting a device moved by human power (such as a bicycle) or used exclusively upon stationary road or tracks. The term "vehicle" has the same meaning as the term "vehicle" as such term is defined in the California Vehicle Code except that the term "vehicle", as used herein, is not limited to a device which may be propelled, moved, or drawn upon a highway. (Ord. No. 871, § 4, 10-26-71.)

Sec. 8-2186.8. Wall, retaining.

"Retaining wall" shall mean a structure constructed to sustain a bank of earth liable to a landslide or sloughing. (Ord. No. 1040, § 1, 4-22-75.)

Sec. 8-2187. Yard, front.

"Front yard" shall mean an open space extending the full width of the lot, between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter. (Sec. 8-2187, Ord. 87.)

Sec. 8-2188. Yard, front, least depth.

"Front yard least depth" shall mean the shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the front lot line. Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way line of such street, as adopted by the city, differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as adopted; or shall be measured from any officially adopted setback lines. (Sec. 8-2188, Ord. 87.)

Sec. 8-2189. Yard, rear.

"Rear yard" shall mean an open space between a building and a rear lot line, extending the full width of the lot (except for any portion thereof which overlaps a street side yard), unoccupied and unobstructed from the ground upward, except as specified elsewhere in this chapter. (Sec. 8-2189, Ord. 87; Sec. 1, Ord. 573.)

Sec. 8-2190. Yard, rear, least depth.

"Rear yard least depth" shall mean the shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the rear lot line. (Sec. 8-2190, Ord. 87.)

Sec. 8-2190.1. Yard, required.

"Required yard" shall mean an open space or portion thereof constituting a front yard, rear yard, or side yard on a lot which complies with the minimum yard requirements of the district in which the lot is situated. (C.D. No. 1040, § 1, 4-22-75.)

Sec. 8-2191. Yard, side.

"Side yard" shall mean an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground

Sec. 8-2191.1. Yard, street side:

"Street side yard" shall mean an open space extending from the front yard to the rear lot line between a building and the nearest side street lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter. (Sec. 3, Ord. 573.)

Sec. 8-2192. Yard, side, least width.

"Side yard least width" shall mean the shortest distance, measured horizontally between any part of a building, other than such parts hereinafter excepted, and the nearest side lot line. Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided however, that if the officially adopted location of the right-of-way line of such street differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street, as adopted. (Sec. 8-2192, Ord. 87.)

Sec. 8-2193. Zoning permit.

"Zoning permit" shall mean a document issued by the building inspector, certifying that proposed buildings, structures, or uses are consistent with the terms of this chapter so long as they comply with other requirements hereof. (Sec. 8-2193, Ord. 87.)

Sec. 8-2194. Zoning administrator.

"Zoning administrator" shall mean the person appointed by the city manager as zoning administrator of the city. (Sec. 2, Ord. 265.)

ARTICLE 2. ESTABLISHMENT AND DESIGNATION
OF DISTRICTS.

- § 8-2200. Districts.
- § 8-2201. Reference to map.
- § 8-2202. Interpretation of district boundaries.
- § 8-2203. Interim zoning of newly annexed territory.
- § 8-2204. Regulation of use of land and buildings; limitation of building heights; preservation of open spaces.

Sec. 8-2200. Districts.

The several districts hereby established and into which the city is divided, are designated as follows:

- A: **Agricultural Districts**
 - R-E: **Residential Estates Districts**
 - R-1: **Single Family Residential Districts**
 - R-2: **One and Two Family Residential Districts**
 - R-G: **Garden Apartment Residential Districts**
 - C-O: **Administrative Office Districts**
 - C-I: **Commercial-Industrial Districts**
 - C-N: **Neighborhood Commercial Districts**
 - C-C: **Community Commercial Districts**
 - C-B-D: **Central Business District**
 - C-T: **Thoroughfare Commercial Districts**
 - C-R: **Regional Commercial Districts**
 - C-G: **General Commercial Districts**
 - I-R: **Industrial Administration and Research Districts**
 - I-P: **Industrial Park Districts**
 - G-I: **General Industrial Districts**
 - A-F: **Agricultural Flood Plain Districts**
 - O-S: **Open Space Districts**
 - F-W: **Floodway Districts**
 - S: **Interim Study Districts**
 - P: **Planned Districts**
 - (H-I) **Hillside Combining Districts**
 - (Q): **Quarry Combining Districts**
 - (H): **Historical Overlay Districts**
 - (F): **Flood Combining Districts**
 - (R): **Development Reserve Overlay Districts**
- (Sec. 8-2200, Ord. 87; Sec. 1, Ord. 135; Sec. 1, Ord. 331; Sec. 1, Ord. 391; Sec. 1, Ord. 466; Sec. 1, Ord. 477; Sec. 2, Ord. 490; Sec. 2, Ord. 734; Sec. 1, Ord. 748; Ord. No. 915, § 2, 8-1-72; Ord. No. 968, § 2, 12-18-73; Ord. No. 1065, § 1, 9-9-75; Ord. No. 1120, § 15, 11-2-76; Ord. No. 1278, § 1, 10-3-78.)

Sec. 8-2201. Reference to map.

The designations, locations, and boundaries of the aforesaid districts are set forth in section 8-2300 of this Code, which consist of the zoning map or maps of the city. Such map or maps and all notations, references, data, and other information shown thereon shall be and are hereby adopted and made a part of this chapter. (Sec. 8-2201, Ord. 87.)

Sec. 8-2202. Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the zoning maps, the planning commission, upon written application or upon its own motion,

shall determine the location of such boundaries. (Sec. 8-2202, Ord. 87.)

Sec. 8-2203. Interim zoning of newly annexed territory.

All territory hereafter annexed to the city shall be interimly zoned and classified as a part of that zoning district of the city specified by the city council by ordinance at the time of annexation thereof. Such annexed territory shall retain such zoning classification until such time as the necessary studies are made by the planning commission and the zoning district map is amended in the manner hereinafter provided, to include such annexed territory. (Sec. 8-2203, Ord. 87.)

Sec. 8-2204. Regulation of use of land and buildings; limitation of building heights; preservation of open spaces.

Except as hereinafter otherwise provided:

(a) No building or part thereof or other structure, shall be erected, altered, added to, or enlarged, nor shall any land, building, structure, or premises be used, designated, or intended to be used for any purpose, or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land, or premises is located.

(b) No building or part thereof or structure, shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

(c) No building or part thereof or structure, shall be erected, nor shall any existing building be altered, enlarged, or rebuilt or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations hereinafter designated for the district in which such building or open space is located.

(d) No yard or other open space provided about any building for the purpose of complying with provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site, shall be considered as providing a yard or open space for a building on any other building site.

(e) No building or part thereof, structure, or swimming pool shall be located in any public utility easement, with the exception that encroachment of any appurtenance may be permitted into such an easement if written statements indicating no objection to the encroachment are submitted to the chief building official from any public utility agencies with rights and interests in the easement and if an agreement for the removal of structural appurtenances, properly notarized and signed by the property owner, is submitted to the community development director to be executed by the city and recorded on the property; provided, however, that such encroachment is in conformity with section 8-2204(c) of this Code. (Sec. 8-2204, Ord. 89; Sec. 1, Ord. 511; Ord. No. 987, § 2, 4-2-74; Ord. No. 1120, § 16, 11-2-76.)

ARTICLE 3. ZONING MAPS.

Sec. 8-2300. Contents of article.

This article consists of the zoning map or maps of the city, made a part of this chapter under the provisions of section 8-2201 of this Code. Such map or maps properly attested, shall be and remain on file in the office of the department of planning. (Sec. 8-2300, Ord. 87.)

ARTICLE 4. A AGRICULTURAL DISTRICT.

- § 8-2400. Purpose.
- § 8-2401. Principal permitted uses.
- § 8-2402. Accessory uses.
- § 8-2403. Conditional uses.
- § 8-2404. Height regulations.
- § 8-2405. Area, lot width, and yard requirements.
- § 8-2406. Other required conditions.

Sec. 8-2400. Purpose.

To preserve lands best suited for agricultural use from the encroachment of incompatible uses, and to preserve in agricultural use land suited to eventual development in other uses, pending proper timing for the economical provision of utilities, major streets, and other facilities so that compact, orderly development will occur. Change of zoning district from "A" to any other zoning district shall only be made in general accord with the general plan. (Sec. 8-2400, Ord. 87.)

Sec. 8-2401. Principal permitted uses.

The following are the principal permitted uses in an A District:

(a) Agriculture, including agricultural nurseries, except when in an A District designated for future residential use in the general plan, in which event the following agricultural uses, to-wit: Dairying and animal and poultry husbandry, shall be conditional uses.

(b) Ranch and farm dwellings appurtenant to a principal agricultural use.

(c) Public parks and public areas.

(d) Commercial stables, riding academies or private non-commercial, recreational stables except when located in an A District designated for future residential use in the general plan, in which event said principal permitted uses shall be conditional uses, the zoning administrator being the reviewing agency.

(e) Guest ranches, except when located in an A District designated for future residential use in the general plan in which event said principal permitted use shall be a conditional use. (Sec. 8-2401, Ord. 87, as amended by Ord. 103; Ord. No. 977, § 3, 2-12-74; Ord. No. 1115, § 6, 10-12-76.)

Sec. 8-2402. Accessory uses.

The following are the accessory uses permitted in an A District:

(a) Dwellings of persons regularly employed on the premises for agricultural or domestic duties, but not including labor camps and labor dwellings, accommodations or areas for labor.

(b) One single-family dwelling occupied by close family members related to the occupants of a principal permitted ranch or farm dwelling. For purposes hereof, "close family members" are parents, children, brothers, or sisters, and persons residing therewith as a family.

(c) Guest houses, not rented or otherwise conducted as a business.

(d) Offices incidental and necessary to the conduct of a permitted use.

(e) Private garages and other structures for the garaging of equipment, parking areas, and stables.

(f) Roadside stands complying with conditions set forth in section 8-22119 of this chapter.

(g) Signs complying with the applicable regulations set forth in Article 21 of this chapter.

(h) Other accessory uses and buildings customarily appurtenant to a permitted use. (Sec. 8-2402, Ord. 87; Sec. 2, Ord. 627; Sec. 1, Ord. 659; Ord. No. 758, § 4, 12-16-69; Ord. No. 871, § 11, 10-26-71; Ord. No. 954, § 1, 8-14-73; Ord. No. 1026, § 1, 1-21-75; Ord. No. 1086, § 4, 1-20-76; Ord. No. 1174, § 3, 6-14-77; Ord. No. 1244, § 1, 3-28-78.)

Sec. 8-2403. Conditional uses.

The following are conditional uses in an A District:

(a) Private noncommercial recreational areas, uses and facilities, including country clubs, swimming pools, and golf courses.

(b) Kennels.

(c) Commercial animal feed and sales yards; commercial agricultural processing plants; fertilizer plants and yards.

(d) Quarters, accommodations or areas for labor, such as labor cabins or camps.

(e) Outdoor theaters (not including drive-in movie theaters), golf driving ranges, commercial swimming pools, and other similar commercial recreation facilities, but not including such facilities in which the principal use is enclosed in a building, such as bowling alleys and skating rinks. Incidental to such open recreational uses, there may also be permitted hotels, restaurants, and similar commercial facilities, when the same are located on a minimum twenty-acre site under single ownership, provided that the total floor area of all enclosed structures and roofed areas upon the total site shall not exceed forty thousand square feet. No permit shall be issued pursuant to this subsection unless the commission makes a finding that the proposed use will be compatible with the ultimate use classification as shown on the general plan.

(f) Cemeteries, crematories, mausoleums, and columbariums.

(g) Private airports and landing strips.

(h) Public and quasi-public buildings, structures, and uses of an administrative, educational, religious, cultural, or public service type.

(i) Drive-in theaters, except at locations designated for future residential use or development in the general plan.

(j) Social halls, lodges, fraternal organizations and clubs, provided that use of the premises is limited exclusively to the nonprofit organization named in the conditional use permit.

(k) Commercial nurseries, in which the sale of products not grown on the premises but associated with the care and maintenance of plants shall occur only in a roadside stand of a size required to be not less than four hundred square feet and not more than two thousand square feet, based on a ratio of one square foot of building area to five hundred square feet of net lot area.

(l) Home occupations, the zoning administrator being the granting authority. (Sec. 8-2403, Ord. 87; Sec. 1, Ord. 256; Sec. 1, Ord. 346; Sec. 1, Ord. 408; Sec. 3, Ord. 734; Ord. No. 977, § 1, 2-12-74; Ord. No. 1086, § 4, 1-20-76; Ord. No. 1244, § 2, 3-28-78.)

Sec. 8-2404. Height regulations.

No structure shall exceed either two and one-half stories or thirty feet in height. (Sec. 8-2404, Ord. 87.)

Sec. 8-2405. Area, lot width and yard requirements.

The following minimum requirements shall be observed, except for greenhouses, lands under land conservation contract, and where increased for conditional uses:

- (a) *Lot size:* Five acres.
- (b) *Lot width:* Three hundred feet.
- (c) *Front yard:* Fifty feet.
- (d) *Side yards:* Each side fifty feet.
- (e) *Rear yard:* Fifty feet.

Greenhouses:

- (a) *Lot size:* Five acres.
- (b) *Lot width:* Three hundred feet.
- (c) *Front yard:* Twenty-five feet.
- (d) *Side yards:* Ten feet.
- (e) *Rear yard:* Twenty-five feet.

Land subject to land conservation contract:

- (a) *Lot size:* Ten acres prime land; twenty acres nonprime land.
- (b) *Lot width:* Three hundred feet.
- (c) *Front yard:* Fifty feet (except greenhouses, then twenty-five feet).
- (d) *Side yards:* Each side fifty feet (except greenhouses, then ten feet).
- (e) *Rear yard:* Fifty feet (except greenhouses, then twenty-five feet).

Greenhouses which existed on December 31, 1977, need only comply with the front, side and rear yard dimensions on the lots on which they are situated as they existed on said date, provided that they comply with subsection (d) of section 8-2406. (Sec. 8-2405, Ord. 87; Ord. No. 1244, § 3, 3-28-78.)

Sec. 8-2406. Other required conditions.

The following additional conditions shall apply in an A District:

(a) Any structure or enclosure, not including pastures, in which livestock (except domestic pets in household numbers, or animals kept with a permit pursuant to Title III, Chapter 5 of this Code) is contained, shall be not less than two hundred feet from any residential or commercial district, or from any school or institution for human care.

(b) Site plan and architectural approval is required of all conditional use permits except home occupations.

(c) The minimum lot area per dwelling unit shall be not less than two and one-half acres, except as herein specified for labor camps.

(d) The following minimum standards shall apply to greenhouses:

- (1) *Noise.* The maximum noise level at the property line resulting from fans or equipment shall not exceed forty-five CNEL.
- (2) *Glare.* No direct or sky-reflected glare from any light source emanating from a greenhouse shall exceed 0.1 footcandle.
- (3) *Flammable, explosive or potentially harmful chemicals.* All activities involving and all storage of flammable, explosive materials or potentially harmful chemicals shall be subject to approval by the fire marshal.
- (4) *Drainage/runoff.* An on-site drainage system shall be provided to keep runoff from greenhouse operations from adjacent properties. (Sec. 8-2406, Ord. 87; Ord. No. 1086, § 5, 1-20-76; Ord. No. 1115, § 7, 10-12-76; Ord. No. 1244, § 3, 3-28-78.)

ARTICLE 5. R-E RESIDENTIAL ESTATES DISTRICT.

- § 8-2500. Purpose.
- § 8-2501. Principal permitted uses.
- § 8-2502. Accessory uses.
- § 8-2503. Conditional uses.
- § 8-2504. Height regulations.
- § 8-2505. Area, lot width, and yard requirements.
- § 8-2506. Other required conditions.

Sec. 8-2500. Purpose.

To promote and encourage a suitable environment for family life on large parcels of land. The R-E District is to be used only for suburban single-family homes and appropriate agricultural uses and the community services and facilities appurtenant thereto. (Sec. 8-2500, Ord. 87.)

Sec. 8-2501. Principal permitted uses.

The following are principal permitted uses in an R-E District:

- (a) Single-family detached dwellings.
- (b) Dwelling groups.
- (c) Agricultural, except the raising of animals or fowl for commercial purposes, or sale of any products at retail on the premises.
- (d) Special residential care facilities. (Sec. 8-2501, Ord. 87; Sec. 1, Ord. 524; Ord. No. 1076, § 1, 12-2-75.)

Sec. 8-2502. Accessory uses.

The following are the accessory uses permitted in an R-E District:

- (a) Guest houses, not rented or otherwise conducted as a business.
- (b) Private garages and parking areas.
- (c) Private swimming pools, exclusively for the use of the residents and guests.
- (d) Signs complying with the applicable regulations set forth in Article 21 of this chapter.
- (e) Use of a dwelling unit for the part-time care of six or less children other than those resident on the site, whether or not for compensation, by a resident of such dwelling unit.
- (f) Other accessory uses and buildings customarily appurtenant to a permitted use. (Sec. 8-2502, Ord. 87; Ord. No. 753, § 5, 12-16-69; Ord. No. 862, § 4, 9-21-71; Ord. No. 1026, § 1, 1-21-75; Ord. No. 1076, § 1, 12-2-75; Ord. No. 1086, § 6, 1-20-76; Ord. No. 1098, § 1, 5-4-76.)

Sec. 8-2503. Conditional uses.

The following are conditional uses in an R-E District:

- (a) Public and quasi-public buildings and uses of an educational, religious, cultural, or public service type; not including corporation yards and warehouses.
- (b) Community clubs, and other public and private non-commercial recreation areas and facilities, and such as county clubs, golf courses, and swimming pools.
- (c) Children's nursery schools.
- (d) Home occupations, the zoning administrator being the granting authority. (Sec. 8-2503, Ord. 87; Sec. 1, Ord. 350; Sec. 2, Ord. 371; Sec. 3, Ord. 332; Sec. 2, Ord. 395; Ord. No. 1086, § 6, 1-20-76.)

Sec. 8-2504. Height regulations.

No principal building shall exceed either two and one-half stories or thirty feet in height, and no accessory building shall exceed either one and one-half stories or fifteen feet in height (Sec. 8-2504, Ord. 87.)

Sec. 8-2505. Area, lot width, and yard requirements.

The following minimum requirements shall be observed, except where increased for conditional uses. The minimum requirements shall be one of the following for the district classification as designated on the zoning map:

- (a) Lot area: RE-1 —One acre
RE-1/2—One-half acre
- (b) Lot width: RE-1 —One hundred and fifty feet
RE-1/2—One hundred feet
- (c) Front yard: RE-1 —Forty feet
RE-1/2—Thirty-five feet
- (d) Side yards: RE-1 —One side, twenty feet; total both sides, forty-five feet
RE-1/2—One side, ten feet; total both sides, twenty-five feet
- (e) Rear yard: RE-1 —Fifty feet
RE-1/2—Forty feet

(Sec. 8-2505, Ord. 87.)

Sec. 8-2506. Other required conditions.

The following additional conditions shall apply in an R-E District:

- (a) Site plan and architectural approval are required of all conditional use permits except home occupations. (Sec. 8-2506, Ord. 87; Ord. No. 1086, § 7, 1-20-76)

ARTICLE 6. SINGLE-FAMILY RESIDENCE DISTRICT

- § 8-2600. Purpose.
- § 8-2601. Principal permitted uses.
- § 8-2602. Accessory uses.
- § 8-2603. Conditional uses.
- § 8-2604. Height regulations.
- § 8-2605. Area, lot width and yard requirements.
- § 8-2606. Other required conditions.

Sec. 8-2600. Purpose.

To stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life. The R-1 district is intended for the suburban family home and the services appurtenant thereto. (Ord. No. 87, § 8-2600; Ord. No. 1294, § 1, 11-28-78; Ord. No. 1335, § 1, 6-26-79.)

Sec. 8-2601. Principal permitted uses.

The following are the principal permitted uses in an R-1 district:

- (a) single-family detached dwellings;
- (b) agricultural, except the raising of animals or fowl for commercial purposes, or sale of any products at retail on the premises;
- (c) special residential care facilities;
- (d) duplex dwellings on corner lots. (Ord. No. 87, § 8-2601; Ord. No. 296, § 2; Ord. No. 482, § 1; Ord. No. 765, § 1, 2-24-70; Ord. No. 927, § 4, 11-7-72; Ord. No. 1279, § 1, 10-3-78; Ord. No. 1294, § 1, 11-28-78; Ord. No. 1335, § 1, 6-26-79.)

Sec. 8-2602. Accessory uses.

The following are the accessory uses permitted in an R-1 district:

- (a) guesthouses, not rented or otherwise conducted as a business;
- (b) rooming and boarding of not more than two persons;
- (c) private garages and parking areas;
- (d) private swimming pools, exclusively for the use of the residents and guests;
- (e) signs complying with the applicable regulations set forth in Article 21 of this chapter.
- (f) use of a dwelling unit for the part-time care of six or less children other than those resident on the site, whether or not for compensation, by a resident of such dwelling unit;
- (g) other accessory uses and buildings customarily appurtenant to a permitted use. (Ord. No. 87, § 8-2602; Ord. No. 627, § 3; Ord. No. 758, § 6, 12-16-69; Ord. No. 862, § 5, 9-21-71; Ord. No. 1076, § 1, 12-2-75; Ord. No. 1086, § 8, 1-20-76; Ord. No. 1098, § 1, 5-4-76; Ord. No. 1294, § 1, 11-28-78; Ord. No. 1335, § 1, 6-26-79.)

Sec. 8-2603. Conditional uses.

The following are conditional uses in an R-1 district:

- (a) public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service type; not including corporation yards, storage or repair yards, and warehouses;
- (b) children's nursery schools;
- (c) community clubs, and other public and private noncommercial recreation areas and facilities, such as country clubs, golf courses and swimming pools;

(d) dwelling groups, the zoning administrator being the reviewing agency;

(e) home occupations, the zoning administrator being the reviewing agency. (Ord. No. 87, § 8-2603; Ord. No. 259, § 1; Ord. No. 296, § 3; Ord. No. 319, § 1; Ord. No.

350, § 2; Ord. No. 371, § 3; Ord. No. 382, § 4; Ord. No. 395, § 3; Ord. No. 482, § 2; Ord. No. 765, § 2, 2-24-70; Ord. No. 1086, § 8, 1-20-76; Ord. No. 1099, § 1, 5-25-76; Ord. No. 1294, § 1, 11-28-78; Ord. No. 1335, § 1, 6-26-79.)

Sec. 8-2604. Height regulations.

No principal structure shall exceed either two and one-half stories or thirty feet in height, and no accessory structure shall exceed either one story or twelve feet in height. (Ord. No. 87, § 8-2604; Ord. No. 1071, § 4, 11-4-75; Ord. No. 1294, § 1, 11-28-78; Ord. No. 1335, § 1, 6-26-79.)

Sec. 8-2605. Area, lot width and yard requirements.

The following minimum requirements shall be observed, except where increased for conditional uses. The minimum requirements shall be one of the following for the district classifications as designated on the zoning map:

(a) Lot area:

(1) [Single dwellings:]

R-1-160—One hundred sixty thousand square feet
R-1-80 —Eighty thousand square feet
R-1-40 —Forty thousand square feet
R-1-20 —Twenty thousand square feet
R-1-10 —Ten thousand square feet
R-1-8 —Eight thousand square feet
R-1-6 —Six thousand square feet

(2) Duplex dwellings:

R-1-10—Twelve thousand square feet
R-1-8 —Ten thousand square feet
R-1-6 —Eight thousand square feet

(b) Lot width:

R-1-160—One hundred fifty feet
R-1-80 —One hundred fifty feet
R-1-40 —One hundred fifty feet

R-1-20 —One hundred feet
R-1-10 —Eighty feet
R-1-8 —Seventy feet
R-1-6 —Fifty-five feet

(c) Front yard:

R-1-160—Forty feet
R-1-80 —Forty feet
R-1-40 —Forty feet
R-1-20 —Thirty-five feet
R-1-10 —Twenty-five feet
R-1-8 —Twenty-five feet
R-1-6 —Twenty feet

(d) Side yards:

R-1-160—One side twenty feet, total both sides forty-five feet
R-1-80 —One side twenty feet, total both sides forty-five feet
R-1-40 —One side twenty feet, total both sides forty-five feet
R-1-20 —One side ten feet, total both sides twenty-five feet

R-1-10 —For one-story structures, one side eight feet, total both sides twenty feet; for two-story structures, one side ten feet, total both sides twenty feet

R-1-8 —For one-story structures, one side seven feet, total both sides sixteen feet; for two-story structures, one side eight feet, total both sides twenty feet

R-1-6 —For one-story structures, one side five feet, total both sides twelve feet; for two-story structures, one side six feet, total both sides fifteen feet

(e) *Side yards for combination one- and two-story structures:* For combination one- and two-story structures, the one-story portion of the structure shall meet the one-story setback requirements in paragraph

(d) above, and the two-story portion of the structure shall meet the two-story setback requirements in paragraph (d) above. In no case shall the total side yard setback for combination one- and two-story structures be less than that required for one-story structures only. The wider setback shall be on the two-story side.

(f) *Rear yard:*

R-1-160—Fifty feet

R-1-80 —Fifty feet

R-1-40 —Fifty feet

R-1-20 —Forty feet

R-1-10 —Thirty feet; if principal building is two stories or over, thirty-five feet

R-1-8 —Twenty-five feet; if principal building is two stories or over, thirty feet

R-1-6 —Twenty-five feet

(g) *Substitution of rear and side yard requirements:* Rear and side yard requirements may be substituted for one another; except that on a corner lot, such substitution shall be made only between the required rear yard and interior side yard.

(h) *Street frontage:* Thirty-five feet. (Ord. No. 87, § 8-2605; Ord. No. 481, § 1; Ord. No. 762, § 11, 1-27-70; Ord. No. 852, § 1, 8-10-71; Ord. No. 978, § 3, 2-12-74; Ord. No. 1276, § 1, 10-3-78; Ord. No. 1279, § 2, 10-3-78; Ord. No. 1294, § 1, 11-28-78; Ord. No. 1300, § 1, 12-19-78; Ord. No. 1335, § 1, 6-26-79.)

Sec. 8-2606. Other required conditions.

The following additional conditions shall apply in an R-1 district:

(a) Site plan and architectural approval are required of all conditional uses, except home occupations.

(b) Driveways shall have a minimum length of twenty feet from the public right-of-way.

(c) Additional access way and parking area on subdivision lots: In a subdivision containing ten or more lots, designed and improved for single-family dwellings, not less than twenty percent of all such lots shall be designed as follows:

(1) The lot area, lot width and yard areas, and all structures and improvements to be constructed on each such lot shall be designed to provide for an unobstructed vehicular access way from a street lot line of the lot to an area in a side yard or rear yard of the lot which may be used as a parking or

storage area for vehicles, and equipment transportable on vehicles such as campers and boats.

(2) The access way shall be at least ten feet wide and twenty feet in length.

(3) The location of the parking area shall provide sufficient clearance from the dwelling and lot lines in conformance with section 8-22018.

(4) If the parking area is actually developed for use in connection with the subdivision and the construction of the dwelling on the lot, the parking area shall be screened and comply with all other requirements of said section 8-22018 and other provisions of Article 20 of this chapter.

(5) No such parking area shall substitute for the parking spaces in a private garage or carport required pursuant to section 8-22003(A)(1). (Ord. No. 87, § 8-2606; Ord. No. 481, § 2; Ord. No. 978, § 4, 2-12-74; Ord. No. 1086, § 9, 1-20-76; Ord. No. 1211, § 1, 11-8-77; Ord. No. 1294, § 1, 11-28-78; Ord. No. 1335, § 1, 6-26-79.)

Sec. 8-2607. Amendments to certain special conditions in certain R-1-X districts.

The purpose of this section is to allow for modification of conditions of approval for R-1-X districts, which were formerly authorized under this chapter, so that the residents of such districts may use and enjoy their property on a more equal basis with the residents of the conventional zoning districts most similar to such R-1-X districts.

(a) Where a lot in an R-1-X district has been developed in accordance with a specific plan which imposes special conditions as to fences and hedges, yard requirements, building additions or accessory structures which are more restrictive than would be required in the conventional residential district whose minimum lot area is closest to that of the R-1-X district, the owner or his agent may apply for an amendment to such plan. The commission shall have the authority to consider such amendments.

(b) Applications for such amendments shall be accompanied by plans sufficient to describe the nature of the proposed amendment and such other pertinent information as may be necessary for a determination as to whether the public convenience, necessity and general welfare require the adoption of the proposed amendment. The applicant shall at the time of filing of the application provide a list of all owners of real property within the R-1-X district, together with a stamped and addressed envelope for each such property owner.

(c) When the R-1-X district consists of two or more lots, notice of the time and place of the hearing on the application shall be given by mail or delivery to all persons, businesses and corporations, and other public or private entities owning real property within the R-1-X district, at least ten days prior to said hearing, as well as to persons entitled to notice pursuant to section 8-23104.

(d) The commission shall hold at least one hearing on the application, and shall recommend that the city council approve the proposed amendment only if the commission finds that the public necessity, convenience and

general welfare require such approval. If the commission shall make such recommendation, the city council shall hold at least one hearing on the application, and shall approve the proposed amendment if it makes the same findings. (Ord. No. 1327, § 1, 5-15-79.)

ARTICLE 7. R-2 ONE AND TWO FAMILY
RESIDENCE DISTRICT.

- § 8-2700. Purpose.
- § 8-2701. Principal permitted uses.
- § 8-2702. Accessory uses.
- § 8-2703. Conditional uses.
- § 8-2704. Height regulations.
- § 8-2705. Area, lot width, and yard requirements.
- § 8-2706. Other required conditions.

Sec. 8-2700. Purpose.

To stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life. The R-2 District is intended for suburban family homes and the community services appurtenant thereto. (Sec. 8-277, Ord. No. 87.)

Sec. 8-2701. Principal permitted uses.

The following are the principal permitted uses in an R-2 District:

- (a) Single-family dwellings.
- (b) Duplex or two-family dwellings.
- (c) Agriculture, except the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.
- (d) Special residential care facilities. (Sec. 8-2701, Ord. 87; Sec. 4, Ord. 296; Sec. 3, Ord. 482; Ord. No. 765, § 3, 2-24-70; Ord. No. 927, § 5, 11-7-72.)

Sec. 8-2702. Accessory uses.

The following are the accessory uses permitted in an R-2 District:

- (a) Rooming and boarding of not more than two persons.
- (b) Signs complying with the applicable regulations set forth in Article 21 of this chapter.
- (c) Private garage and parking areas.
- (d) Use of dwelling unit for the part-time care of six or less children other than those resident on the site, whether or not for compensation, by a resident of such dwelling unit.
- (e) Other accessory uses and accessory buildings customarily appurtenant to a permitted use. (Sec. 8-2702, Ord. 87; Sec. 4, Ord. 371; Sec. 3, Ord. 627; Ord. No. 758, § 7, 12-16-69; Ord. No. 862, § 6, 9-21-71; Ord. No. 1076, § 1, 12-2-75; Ord. No. 1086, § 10, 1-20-76; Ord. No. 1098, § 1, 5-14-76.)

Sec. 8-2703. Conditional uses.

The following are conditional uses in an R-2 District:

- (a) Social halls, lodges, fraternal organizations and clubs, except those operated as a business for profit.
- (b) Rooming houses and boardinghouses for not over six guests.
- (c) Licensed nursing homes and convalescent hospitals having less than fifteen patient beds.
- (d) Public and quasi-public buildings and uses of a recreational, education, religious, cultural, or public service type; not including corporation yards, storage or repair yards, and warehouses.
- (e) Children's nursery schools.
- (f) Dwelling groups, the zoning administrator being the reviewing agency.
- (g) Home occupations, the zoning administrator being the

reviewing agency. (Sec. 8-2703, Ord. 87; Sec. 2, Ord. 259; Sec. 5, Ord. 296; Sec. 3, Ord. 350; Sec. 5, Ord. 371; Sec. 5, Ord. 382; Sec. 4, Ord. 482; Sec. 1, Ord. 616; Ord. No. 765, § 4, 2-24-70; Ord. No. 1086, § 10, 1-20-76; Ord. No. 1099, § 2, 5-25-76.)

Sec. 8-2704. Height regulations.

No principal structure shall exceed either two and one-half stories or thirty feet in height, and no accessory structure shall exceed either one story or twelve feet in height. (Sec. 8-2704, Ord. 87; Ord. No. 1071, § 5, 11-4-75.)

Sec. 8-2705. Area, lot width and yard requirements.

The following minimum requirements shall be observed, except where increased for conditional uses:

(a) *Lot area:*

Single family—Six thousand square feet.
Two family—Eight thousand square feet.

(b) *Lot width:*

Single family—Fifty-five feet.
Two family—Seventy feet.

(c) *Front yard:*

Single family—Twenty feet.
Two family—Twenty-five feet.

(d) *Side yards:*

Single family: For one-story structures, one side five feet, total both sides twelve feet. For two-story structures, one side six feet, total both sides fifteen feet.

Two family: For one-story structures, one side seven feet, total both sides sixteen feet. For two-story structures, one side eight feet, total both sides twenty feet.

- (e) *[Side yards for combination one- and two-story structures:]* For combination one- and two-story structures, the one-story portion of the structure shall meet the one-story setback requirements in paragraph (d) above, and the two-story portions of the structure shall meet the two-story setback requirements in paragraph (d) above. In no case shall the total side yard setback for combination one- and two-story structures be less than that required for one-story structures only. The wider setback shall be on the two-story side.

(f) *Rear yards:*

Single family—Twenty-five feet
Two family—Twenty-five feet; if principal building is two stories or over, thirty feet

- (g) *Street frontage:* Thirty-five feet. (Ord. No. 87, § 8-2705; Ord. No. 762, § 12, 1-27-70; Ord. No. 1276, § 2, 10-3-78; Ord. No. 1300, § 2, 12-19-78; Ord. No. 1335, § 2, 6-26-79.)

Sec. 8-2706. Other required conditions.

The following additional conditions shall apply in an R-2 district:

- (a) Site plan and architectural approval are required of all conditional use permits except home occupations. (Ord. No. 87, § 8-2706; Ord. No. 1086, § 11, 1-20-76; Ord. No. 1335, § 2, 6-26-79.)

ARTICLE 8. R-G GARDEN APARTMENT RESIDENCE
DISTRICT

- § 8-2800. Purpose.
- § 8-2801. Principal permitted uses.
- § 8-2802. Accessory uses.
- § 8-2803. Conditional uses.
- § 8-2804. Height regulations.
- § 8-2805. Lot and siting requirements.
- § 8-2806. Other required conditions.

Sec. 8-2800. Purpose.

To stabilize and protect the residential characteristics of the district and to promote, insofar as compatible with the intensity of land use, a suitable environment for family life. (Ord. No. 87, § 8-2800; Ord. No. 1294, § 2, 11-28-78.)

Sec. 8-2801. Principal permitted uses.

The following are the principal permitted uses in an R-G District:

- (a) Agricultural, except the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.
- (b) Single-family, two-family and multiple dwellings.
- (c) Special residential care facilities. (Ord. No. 87, § 8-2801; Ord. No. 136, § 1; Ord. No. 360, § 1; Ord. No. 927, § 6, 11-7-72; Ord. No. 982, § 4, 3-26-74; Ord. No. 1294, § 2, 11-28-78.)

Sec. 8-2802. Accessory uses.

The following are the accessory uses permitted in an R-G District:

- (a) Rooming and boarding of not more than two persons.
- (b) Signs complying with the applicable regulations set forth in Article 21 of this chapter.
- (c) Private garages and parking areas.
- (d) Use of a dwelling unit for the part-time care of six or less children other than those resident on the site, whether or not for compensation, by a resident of such dwelling unit.
- (e) Other accessory uses and accessory buildings customarily appurtenant to a permitted use. (Ord. No. 87, § 8-2802; Ord. No. 261, § 1; Ord. No. 371, § 6; Ord. No. 627, § 3; Ord. No. 758, § 8, 12-16-69; Ord. No. 862, § 7, 9-21-71; Ord. No. 915, § 3, 8-1-72; Ord. No. 1076, § 1, 12-2-75; Ord. No. 1086, § 12, 1-20-76; Ord. No. 1098, § 1, 5-4-76; Ord. No. 1294, § 2, 11-28-78.)

Sec. 8-2803. Conditional Uses.

The following are the conditional uses in any R-G District:

- (a) Motels.
- (b) Rooming houses and boardinghouses for any number of guests.
- (c) Incidental services, such as restaurants and retail sales to serve residents, provided there is no exterior display or advertising and such activities are conducted in spaces which are integral parts of a main building.
- (d) Social halls, lodges, fraternal organizations and clubs, and community clubs, except those operated for a profit.
- (e) Licensed nursing homes and convalescent hospitals.

- (f) Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service type; but not including corporation yards, storage or repair yards, and warehouses.

- (g) Children's nursery schools.

- (h) Home occupations, the zoning administrator being the granting authority. (Ord. No. 87, § 8-2803; Ord. No. 136, § 1; Ord. No. 261, § 2; Ord. No. 350, § 4; Ord. No. 360, § 2; Ord. No. 616, § 1; Ord. No. 871, § 12, 10-26-71; Ord. No. 915, §§ 3, 4, 8-1-72; Ord. No. 1086, § 12, 1-20-76; Ord. No. 1294, § 2, 11-28-78.)

Sec. 8-2804. Height regulations.

No principal building shall exceed forty-five feet, except the planning commission may permit an increase in height where it finds that such an increase will not be detrimental to adjacent present and future development. No accessory building shall exceed twenty-five feet in height. (Ord. No. 87, § 8-2804; Ord. No. 749, § 1; Ord. No. 1294, § 2, 11-28-78.)

Sec. 8-2805. Lot and siting requirements.

The following minimum (unless indicated as maximum) requirements shall be observed for conditional uses. The minimum requirements shall be one of the following, as designated on the zoning map:

(a) Building site area:

- R-G-40—Seventy-five hundred square feet.
- R-G-29—Seventy-five hundred square feet.
- R-G-25—Seventy-five hundred square feet.
- R-G-24—Seventy-five hundred square feet.
- R-G-19—Seventy-five hundred square feet.
- R-G-16—Seventy-five hundred square feet.
- R-G-15—Seventy-five hundred square feet.
- R-G-12—Seventy-five hundred square feet.
- R-G-9 —Seventy-five hundred square feet.

(b) Building site area per dwelling unit:

- R-G-40—Four thousand square feet.
- R-G-29—Twenty-nine hundred square feet.
- R-G-25—Twenty-five hundred square feet.
- R-G-24—Twenty-four hundred square feet.
- R-G-19—Nineteen hundred square feet.
- R-G-16—Sixteen hundred square feet.
- R-G-15—Fifteen hundred square feet.
- R-G-12—Twelve hundred square feet.
- R-G-9 —Nine hundred square feet.

(c) Building site width:

- R-G-40—Seventy feet.
- R-G-29—Seventy feet.
- R-G-25—Seventy feet.
- R-G-24—Seventy feet.
- R-G-19—Seventy feet.
- R-G-16—Seventy feet.
- R-G-15—Seventy feet.
- R-G-12—Seventy feet.
- R-G-9 —Seventy feet.

- (d) Separation and yard requirements: All R-G Districts, unless otherwise specified by a conditional use permit:

- (1) Between windows required by the Fremont building code, located on parallel building walls, or walls which, if extended, are at an angle to each other of less than ninety degrees:
 - a. Between two living room windows—Eighty feet, except forty feet between one-story (ten feet or less above ground level) buildings.
 - b. Between a living room window and a bedroom window—Sixty feet, except forty feet between one-story (ten feet or less above ground level) buildings.
 - c. Between two bedroom windows—Forty feet, except thirty feet between one-story (ten feet or less above ground level) buildings.
 - d. Between two windows not required by the Fremont building code—Thirty feet.
 - (2) Between buildings and a public street right-of-way or private street easement: Twenty-five feet.
 - (3) Between private open space enclosures and a public street lot line, section 8-22206 notwithstanding: Fifteen feet (except when located on a thoroughfare or when located across the street from a commercial district or facility, then twenty-five feet).
 - (4) Between two buildings: Twenty feet.
 - (5) Between private open space enclosures when attached to separate buildings: Twenty feet.
 - (6) Between a building and an interior lot line: Fifteen feet (twenty-five between a living room window and an interior lot line).
 - (7) Between a building and a paved area intended to be used for vehicular parking or circulation: Fifteen feet (except where parking occurs under a residential building, then fifteen feet for eighty percent of the area around the building).
 - (8) Between parking or circulation areas and a public street right-of-way or private street easement: Twenty-five feet, except that if an (H) District designation overlays the R-G District, parking within yard areas adjacent to streets may be permitted if the parking area is enclosed and screened from the street by a wall of decorative masonry or lumber of a minimum two-inch thickness compatible with the architecture of surrounding buildings, of a height of six feet, subject to the requirement of section 8-22206(b).
 - (9) Between an open fence not to exceed eight feet in height and a public street right-of-way or private street easement: Ten feet except that on a corner lot the fence may come within five feet of any side street lot line adjacent to a public right-of-way or private street easement.
- (e) *Lot coverages:* All R-G Districts unless otherwise specified by a conditional use permit:
 - (1) Twenty-five percent maximum building coverage (exclusive of detached parking structures).
 - (2) Fifty percent minimum open space coverage (recreational building areas such as cabanas and private open space areas at ground level may be included in the open space coverage).
 - (f) *Private open space areas:* All R-G Districts, unless otherwise specified by a conditional use permit:
 - (1) Balconies (above ground level): Sixty square feet, the least dimension of which is seven feet.
 - (2) Patios (at ground level): One hundred twenty square feet, the least dimension of which is ten feet and which is enclosed by a view-obscuring fence four to six feet in height composed of masonry and/or lumber of a minimum one-inch thickness.
 - (3) A private open space shall be an area contiguous to the individual dwelling unit which allows its occupants the personal use of an outdoor space. Each dwelling unit shall have at least one private open space area.
 - (g) *[Modification of required area for efficiency apartments:]* Provided that all other requirements of this chapter are met, the required area per dwelling unit specified above may be reduced to fifteen hundred square feet in the R-G-25 or R-G-29 District classification and one thousand square feet in the R-G-15 or R-G-19 District classification for each efficiency apartment, as defined herein, contained in a multifamily dwelling.
 - (h) *Street frontage:* Thirty-five feet.
 - (i) *R-G-X siting requirements:* All R-G-X setbacks shall be as specified for such districts on the zoning map. (Ord. No. 87, § 8-2805; Ord. No. 351, § 3; Ord. No. 360, §§ 3, 4; Ord. No. 749, § 1; Ord. No. 762, § 13, 1-27-70; Ord. No. 892, § 1, 3-28-72; Ord. No. 915, § 5, 8-1-72; Ord. No. 982, § 5, 3-26-74; Ord. No. 1051, § 1, 6-10-75; Ord. No. 1211, § 2, 11-8-77; Ord. No. 1294, § 2, 11-28-78.)

Sec. 8-2806. Other required conditions.

The following additional conditions shall apply in an R-G District:

- (a) The R-G-X zone shall only apply to those parcels zoned R-G-X prior to November 28, 1978.
- (b) Site plan and architectural approval are required of all conditional use permits and residential dwellings except home occupations.
- (c) Notwithstanding section 8-23101 of this Code, amendment of this chapter to change an R-G-X District shall be initiated only by application of the owners of the property affected. Such applications shall be accompanied by the following:
 - (1) A sepiá map of a survey of the affected property, in accord with the Fremont building code or any modification thereof, showing existing features of the property, including trees, structures, streets, easements, utility lines and structures, and specifying the size of the property controlled by the applicant;
 - (2) A sepiá map of the affected property (drawn to the scale of one inch equals twenty feet or other scale as required by the director of community development), denoting the proposed location, orientation, configuration and use of buildings (including all setbacks and distances between buildings in feet), vehicular access and parking arrangements, pedestrianways, fencing and other screening facilities,

landscaped and/or recreational areas, and street rights-of-way (existing and proposed curbs, gutters, sidewalks, driveways and street paving shown at least to the center line of all abutting streets);

- (3) A sepia copy of the exterior elevations of all proposed structures, fences, walls and landscape elements, indicating types of materials to be used, colors and other design details, of a type and scale as specified by the director of community development; and
- (4) A summary development table, including pertinent facts and statistics about the proposed project in categories as specified by the director of community development.

In taking action, pursuant to Article 31 of this chapter, the commission and council may approve or deny the proposed amendment as submitted, or may recommend approval of said proposed amendment subject to the applicant submitting specified modifications thereto, relating to the items listed herein, to be denoted on the pertinent documents accompanying the application for the proposed amendment.

- (d) If an (H) District designation overlays the R-G District, no new building shall be constructed and no existing building shall be altered, enlarged or rebuilt so as to affect the exterior of such existing building without the approval of the historical architectural review board. The preceding sentence shall not apply to any single-family dwelling unless such dwelling shall have been designated as an historical resource in the general plan. (Ord. No. 87, § 8-2806; Ord. No. 360, § 5; Ord. No. 749, § 1; Ord. No. 915, § 6, 8-1-72; Ord. No. 940, § 1, 3-27-73; Ord. No. 976, § 1, 2-5-74; Ord. No. 982, § 6, 3-26-74; Ord. No. 1051, § 2, 6-10-75; Ord. No. 1086, § 13, 1-20-76; Ord. No. 1294, § 2, 11-28-78.)

ARTICLE 9. C-O ADMINISTRATIVE OFFICE DISTRICT

- § 8-2900. Purpose.
- § 8-2901. Permitted uses.
- § 8-2902. Accessory uses.
- § 8-2903. Conditional uses: Commission as reviewing agency.
- § 8-2904. Conditional uses: Zoning administrator as reviewing agency.
- § 8-2905. Building and site standards.
- § 8-2906. Other required conditions.
- § 8-2907. Other regulations of this chapter which are, or may be, applicable.

Sec. 8-2900. Purpose.

To provide an area wherein professional, general commercial offices, and limited personal services may develop in close relationship with each other outside of other commercial districts. Nothing in this article shall be construed to permit or encourage retail sales except as hereinafter provided. (Ord. No. 1120, § 23, 11-2-76.)

Sec. 8-2901. Permitted uses.

The following services:

- (a) Advertising.¹
- (b) Agriculture,¹ except the raising of animals or fowl for commercial purposes.
- (c) Children's dancing schools.²
- (d) Computer and data processing services.²
- (e) Consumer credit reporting agencies.¹
- (f) Detective and protective services.²
- (g) Educational services,² except art schools other than commercial.³
- (h) Finance, insurance and real estate.²
- (i) General offices for business and manufacturing firms.
- (j) Health services² exclusive of hospitals.^{2, 3}
- (k) Legal services.²
- (l) Mailing, reproduction, commercial art, photography and stenographic services.²
- (m) Management, consulting and public relations services.²
- (n) Microfilm recording and developing service.²

- (o) Miscellaneous services.²
- (p) News syndicates.²
- (q) Personnel supply services.²
- (r) Photofinishing laboratories.²
- (s) Photographic studios, portraits.²
- (t) Social services,² except residential care.²
- (u) Travel agencies and bureaus. (Ord. No. 1120, § 23, 11-2-76; Ord. No. 1172, § 1, 6-7-77.)

Sec. 8-2902. Accessory uses.

(a) Incidental services, such as restaurants, pharmacies and retail sales to serve occupants and patrons of the permitted use, provided such activities are conducted in spaces which are integral parts of a main building and provided there is no exterior display or other advertising media employed readily visible from the exterior of the building.

(b) Other accessory uses and buildings customarily appurtenant to a permitted use.

(c) Signs complying with the applicable regulations set forth in Article 21 of this chapter.

(d) Newspaper racks provided such racks are placed only on private property and in such a manner as to present an orderly appearance and not create an unsafe condition. (Ord. No. 1120, § 23, 11-2-76.)

Sec. 8-2903. Conditional uses: Commission as reviewing agency.

- (a) Art schools.²
- (b) Dance studios and schools other than children's dancing schools.²
- (c) Hospitals.^{2, 3}
- (d) Any other use which the commission finds will be similar in nature, operation and function of uses allowed within the district. (Ord. No. 1120, § 23, 11-2-76.)

Sec. 8-2904. Conditional uses: Zoning administrator as reviewing agency.

- (a) Any permitted use with a drive-up window.¹
- (b) Public and public utility uses.^{1, 3}
- (c) Quasi-public^{1, 3} uses except for such uses listed as a permitted use. (Ord. No. 1120, § 23, 11-2-76.)

Sec. 8-2905. Building and site standards.

- (a) Maximum building height:¹ None, except that before any structure exceeding forty feet in height is authorized, the commission shall make a finding that such height will not be detrimental to the lighting, air qualities, or privacy of any other properties in the vicinity of the structure.
- (b) Maximum coverage of site by buildings: None.
- (c) Minimum lot area:¹ Ten thousand square feet.
- (d) Minimum lot width:¹ Sixty-five feet.
- (e) Minimum yard width adjacent to streets: Fifteen feet.
- (f) Minimum interior side yard¹ width: Ten feet.
- (g) Minimum rear yard¹ depth: Ten feet. (Ord. No. 1120, § 23, 11-2-76.)

Sec. 8-2906. Other required conditions.

- (a) All required yards adjacent to streets shall be landscaped. (Ord. No. 1120, § 23, 11-2-76.)

Sec. 8-2907. Other regulations of this chapter which are, or may be, applicable.

- (a) Parking regulations and standards are stated in Article 20.
- (b) All development, extensions, or expansion of structures on premises are subject to the site plan and architectural approval process described in Article 27.
- (c) Any change from a residential to a nonresidential use is subject to the site plan and architectural approval process described in Article 27. (Ord. No. 1120, § 23, 11-2-76.)

[Notes Applicable to Article 9]

- ¹ Term is defined in Article 1.
- ² Term is elaborated on in Standard Industrial Classification Manual.¹
- ³ The special regulations of Article 21 apply to this use. (Ord. No. 1120, § 23, 11-2-76.)

ARTICLE 9.1. C-1 COMMERCIAL INDUSTRIAL DISTRICT

- § 8-2910. Purpose.
- § 8-2911. Permitted uses.
- § 8-2912. Accessory uses.
- § 8-2913. Conditional uses: Commission as reviewing agency.
- § 8-2914. Conditional uses: Zoning administrator as reviewing agency.
- § 8-2915. Building and site standards.
- § 8-2916. Other required conditions.
- § 8-2917. Other regulations of this chapter which are, or may be applicable.

Sec. 8-2910. Purpose.

To provide for limited commercial development within the industrial areas to primarily serve persons employed in adjacent industrial development while located at their places of employment. C-I districts shall have a minimum area of two acres. (Ord. No. 1120, § 24, 11-2-76.)

Sec. 8-2911. Permitted uses.

- (a) Agriculture,¹ except the raising of animals or fowl for commercial purposes.
- (b) Barber and beauty shops.²
- (c) Convenience food store.¹
- (d) Eating places,² except for drive-in restaurants or restaurants dispensing alcoholic beverages.
- (e) Federal reserve, commercial and stock savings banks,² mutual savings banks, and savings and loan associations.²
- (f) Newsstands, not including materials customarily sold, loaned or rented in adult book stores.
- (g) Offices of physicians.²
- (h) Schools and education services, not elsewhere classified,² except art schools other than commercial.
- (i) Vocational schools, except vocational high schools, not elsewhere classified.² (Ord. No. 1120, § 24, 11-2-76; Ord. No. 1172, § 2, 6-7-77.)

Sec. 8-2912. Accessory uses.

- (a) Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities.
- (b) Coin-operated amusement devices in restaurants limited to two such devices.
- (c) Self-service ice dispenser limited to a unit no larger than sixteen hundred cubic feet in size.
- (d) Newspaper racks provided such racks are placed only on private property and in such a manner as to present an orderly appearance and not create an unsafe condition.
- (e) Signs complying with applicable regulations set forth in Article 21 of this chapter. (Ord. No. 1120, § 24, 11-2-76.)

Sec. 8-2913. Conditional uses: Commission as reviewing agency.

- (a) Gasoline service stations.^{1, 3}
- (b) Automotive rental and leasing, without drivers.²
- (c) Eating places² dispensing alcoholic beverages.
- (d) Any other retail or service use which the commission finds will be similar in nature, operation and function of uses allowed within this district. (Ord. No. 1120, § 24, 11-2-76.)

Sec. 8-2914. Conditional uses: Zoning administrator as reviewing agency.

None. (Ord. No. 1120, § 24, 11-2-76.)

Sec. 8-2915. Building and site standards.

- (a) Maximum building height:¹ Thirty feet.
- (b) Maximum coverage of site by buildings: None.
- (c) Minimum lot area:¹ Ten thousand square feet.
- (d) Minimum lot width:¹ None.
- (e) Minimum yard width adjacent to streets: Fifteen feet.
- (f) Minimum interior side yard¹ width: None.
- (g) Minimum rear yard¹ depth: None. (Ord. No. 1120, § 24, 11-2-76.)

Sec. 8-2916. Other required conditions.

All required yards adjacent to streets shall be landscaped. (Ord. No. 1120, § 24, 11-2-76.)

Sec. 8-2917. Other regulations of this chapter which are, or may be, applicable.

- (a) Parking regulations and standards are stated in Article 20.
- (b) A limited number of exceptions to the regulations of this article are described in Article 22.
- (c) All development, extensions or expansion of structures or premises are subject to the site plan and architectural approval process described in Article 27. (Ord. No. 1120, § 24, 11-2-76.)

[Notes Applicable to Article 9.1]

¹ Term is defined in Article 1.

² Term is elaborated on in Standard Industrial Classification Manual.¹

³ The special regulations of Article 21 apply to this use. (Ord. No. 1120, § 24, 11-2-76.)

ARTICLE 10. C-N NEIGHBORHOOD COMMERCIAL
DISTRICT.

- § 8-21000. Purpose.
§ 8-21001. Permitted uses.
§ 8-21002. Accessory uses.
§ 8-21003. Conditional uses: Commission as reviewing agency.
§ 8-21004. Conditional uses: Zoning administrator as reviewing agency.
§ 8-21005. Building and site standards.
§ 8-21006. Other required conditions.
§ 8-21007. Other regulations of this chapter which are, or may be, applicable.

Sec. 8-21000. Purpose.

To provide areas for convenience shopping primarily for residents of the immediate neighborhood. New C-N Districts shall have a minimum area of three acres in locations where analysis of residential population demonstrates that such facilities are required. (Ord. No. 1120, § 25, 11-2-76.)

Sec. 8-21001. Permitted uses.

- (a) Retail stores.
 - (1) Antique stores.²
 - (2) Apparel and accessory.²
 - (3) Auto parts and accessory dealers.
 - (4) Drug and proprietary.²
 - (5) Eating places² (excluding places providing dancing and entertainment or dispensing alcoholic beverages, or drive-in establishments).
 - (6) Food.²
 - (7) Furniture, home furnishings and equipment.²
 - (8) Hardware.²
 - (9) Liquor.²
 - (10) Miscellaneous general merchandise.²
 - (11) Miscellaneous shopping goods (except adult book stores).¹
 - (12) Paint, glass and wallpaper.²
 - (13) Retail stores not elsewhere classified.²
 - (14) Variety.²
- (b) Finance, insurance and real estate.²
 - (1) Federal reserve, commercial and stock savings and mutual savings banks, savings and loan associations and personal credit institutions.²
 - (2) Insurance agents, brokers and service.²
 - (3) Real estate agents and managers.²
- (c) Services.
 - (1) Accounting, auditing and bookkeeping services.²
 - (2) Beauty and barber shops.²
 - (3) Bicycle repair shops.²
 - (4) Child day care services.^{1, 2, 3}
 - (5) Coin-operated laundries and dry cleaners.²
 - (6) Dog grooming.²
 - (7) Dressmaking.²
 - (8) Garment pressing and agents for laundries and dry cleaning.²
 - (9) Gunsmith shops.¹

- (10) Laundry and garment services not elsewhere classified.²
- (11) Lawn mower repair shops.²
- (12) Locksmith shops.²
- (13) Offices of physicians, dentists, osteopathic and other health practitioners.²
- (14) Photographic studios, portrait.²
- (15) Radio and TV repair shops.²
- (16) Shoe repair, shoeshine and hat cleaning shops.²
- (17) Watch, clock and jewelry repair shops.²
- (d) Commercial parking lots for passenger vehicles.

(e) Agriculture,¹ except the raising of animals or fowl for commercial purposes. (Ord. No. 1120, § 25, 11-2-76; Ord. No. 1172, § 3, 6-7-77.)

Sec. 8-21002. Accessory uses.

- (a) Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities.
- (b) Coin-operated amusement devices in eating places limited to two such devices.
- (c) Self-service ice dispenser limited to a unit no larger than sixteen hundred cubic feet in size.
- (d) Newspaper racks provided such racks are placed only on private property and in such a manner as to present an orderly appearance and not create an unsafe condition.
- (e) Signs complying with the applicable regulations set forth in Article 21 of this chapter. (Ord. No. 1120, § 25, 11-2-76.)

Sec. 8-21003. Conditional uses: Commission as reviewing agency.

- (a) Gasoline service stations^{1, 2, 3}; subject to the limitations set forth in section 8-22111.
- (b) Public and quasi-public^{1, 2} uses.

(c) Eating places² serving beer and wine,⁴ provided that the sale of such beverages is incidental to the primary restaurant function, and provided, further, that the use does not include live entertainment, dancing, cocktail lounge or bar.

(d) Any other retail or service use which the commission finds will be similar in nature, operation and function of uses allowed in the district. (Ord. No. 1120 § 25, 11-2-76; Ord. No. 1324, § 2, 5-1-79.)

Sec. 8-21004. Conditional uses: Zoning administrator as reviewing agency.

None. (Ord. No. 1120, § 25, 11-2-76.)

Sec. 8-21005. Building and site standards.

- (a) Maximum building height:¹ Thirty feet.
- (b) Maximum coverage of site by buildings: None.
- (c) Minimum lot area:¹ None.
- (d) Minimum lot width:¹ None.
- (e) Minimum yard width adjacent to streets: Twenty feet.

(f) Minimum interior side yard¹ width: None, except fifteen feet when adjacent to property designated for residential use on the general plan.

(g) Minimum rear yard¹ depth: None except ten feet when adjacent to property designated for residential use on the general plan. (Ord. No. 1120, § 25, 11-2-76.)

Sec. 8-21006. Other required conditions.

(a) All uses shall be conducted wholly within a completely enclosed building except for permitted agricultural uses, service stations, off-street parking and loading facilities, and outdoor eating facilities in connection with eating places.

(b) Goods for sale shall consist primarily of new merchandise and all goods produced on the premises shall be sold at retail on the premises only.

(c) All required yards adjacent to streets shall be landscaped.¹ (Ord. No. 1120, § 25, 11-2-76.)

Sec. 8-21007. Other regulations of this chapter which are, or may be, applicable.

(a) Parking regulations and standards are stated in Article 20.

(b) Exceptions to the regulations of this article are described in Article 22.

(c) All development, extensions or expansion of structures or premises are subject to the site plan and architectural approval process described in Article 27.

(d) Any changes from a residential to a nonresidential use is subject to the site plan and architectural approval process described in Article 27. (Ord. No. 1120, § 25, 11-2-76.)

[Notes Applicable to Article 10]

¹. This term is defined in Article 1.

². Term is elaborated on in Standard Industrial Classification Manual.¹

³. The special regulations of Article 21 apply to this use.

⁴. Requires a public hearing; see Article 25. (Ord. No. 1120, § 25, 11-2-76.)

ARTICLE 11. C-C COMMUNITY COMMERCIAL DISTRICT.

- § 8-21100. Purpose.
- § 8-21101. Permitted uses.
- § 8-21102. Accessory uses.
- § 8-21103. Conditional uses: Commission as reviewing agency.
- § 8-21103.1. Conditional uses: Zoning administrator as reviewing agency.
- § 8-21104. Building and site standards.
- § 8-21105. Other required conditions.
- § 8-21106. Other regulations of this chapter which are, or may be, applicable.

Sec. 8-21100. Purpose.

To provide areas for general commercial uses and services in each of the planning areas and intended primarily to serve the residents thereof, wherein a broad range of services may be provided. The C-C District designation shall only be applied to a single location of each planning area of the general plan. (Ord. No. 1120, § 26, 11-2-76.)

Sec. 8-21101. Permitted uses.

- (a) Retail stores.
 - (1) Apparel and accessory stores.²
 - (2) Auto and home supply stores.³
 - (3) Automotive dealers, except in an (H) overlay district. This use does not include gasoline service stations.³
 - (4) Eating and drinking places except drive-ins, nightclubs and discotheques.²
 - (5) Food stores.³
 - (6) Furniture, home furnishings and equipment stores.²
 - (7) General merchandise stores except department stores.²
 - (8) Hardware stores.²
 - (9) Home improvement centers.¹
 - (10) Miscellaneous retail,² except adult book stores.¹
 - (11) Paint, glass and wallpaper stores.²
- (b) Services.
 - (1) Agriculture,¹ except the raising of animals or fowl for commercial purposes.
 - (2) Automotive repair, services and garages except major auto repair¹ and car washes.³
 - (3) Beauty and barber shops.²
 - (4) Bicycle, camera, lawnmower, leather goods, business machine repair shops.²
 - (5) Business services, except establishments engaged in renting or leasing machinery, tools or other equipment.²
 - (6) Clothing and costume rental.³
 - (7) Coin-operated service machine operations.³
 - (8) Communications services, not elsewhere classified.²
 - (9) Dog grooming.²
 - (10) Finance, insurance and real estate.²
 - (11) Gunsmith and locksmith shops.²
 - (12) Health clubs or spas.²
 - (13) Health services.²
 - (14) Hotels and motels.²
 - (15) Judo and karate instruction.²

- (16) Laundry cleaning and garment services except power and industrial launderers.²
- (17) Legal and miscellaneous services, including landscape counseling and planning.²
- (18) Motion pictures, except drive-in motion picture theaters² and adult theaters.¹
- (19) Photographic studios, portrait.²
- (20) Printing, publishing and allied industries.¹
- (21) Radio and TV broadcasting.²
- (22) Radio and TV repair shops.²
- (23) Reupholstery and furniture repair.²
- (24) Shoe repair, shoeshine and hat cleaning shops.²
- (25) Tax return preparation service.²
- (26) Taxidermists.²
- (27) Theatrical producers and miscellaneous theatrical services.²
- (28) Travel agencies and bureaus.
- (29) Veterinary services.^{2, 3}
- (30) Watch, clock and jewelry repair.² (Ord. No. 1120, § 26, 11-2-76.)

Sec. 8-21102. Accessory uses.

(a) Dwelling units¹ accessory to and integral with a permitted or conditional use, provided there shall not be more than one dwelling unit for each twenty-five hundred square feet of lot area.

(b) Other accessory uses and structures customarily appurtenant to a permitted use, such as incidental storage facilities.

(c) Commercial nurseries,¹ if accessory to the permitted use of a general merchandise,² home improvement center¹ or like retail store.

(d) Self-service ice dispenser limited to a unit no larger than sixteen hundred cubic feet in size.

(e) Newspaper racks provided such racks are placed only on private property and in such a manner as to present an orderly appearance and not create an unsafe condition.

(f) Coin-operated amusement devices in eating and drinking places, limited to two such devices.

(g) Signs complying with the applicable regulations as set forth in Article 21 of this chapter. (Ord. No. 1120, § 26, 11-2-76.)

Sec. 8-21103. Conditional uses: Commission as reviewing agency.

- (1) Adult bookstores¹ and theaters, except (H) overlay districts.
- (2) Bowling alleys.^{2, 3}
- (3) Billiard parlors.^{2, 3}
- (4) Car washes,² except in (H) overlay districts.
- (5) Dance halls, studios and schools.²
- (6) Gasoline service stations^{1, 3}; subject to the limitations set forth in section 8-22111.

(7) Massage parlors, dating service and escort services,² except in (H) overlay district.

(8) Modeling services,² except in (H) overlay district.

(9) Mortuaries.²

(10) Nightclubs.^{2, 3, 4}

(11) Public and quasi-public^{1, 3} uses.

(12) Multiple dwellings, not integral with a commercial use, subject to the requirements of the R-G-15 or R-G-19 District.

(13) Skating rinks.^{2, 3}

(14) Schools for photography.²

(15) Any other retail or service use which the commission finds will be similar in nature, operation and function of uses allowed within this district. (Ord. No. 1120, § 26, 11-2-76; Ord. No. 1294, § 3, 11-28-78; Ord. No. 1324, § 3, 5-1-79.)

Sec. 8-21103.1. Conditional uses: Zoning administrator as reviewing agency.

(a) Schools and educational services not elsewhere classified.²

(b) Coin-operated amusement devices.^{2, 3}

(c) Miniature golf courses.² (Ord. No. 1120, § 26, 11-2-76.)

Sec. 8-21104. Building and site standards.

(a) *Maximum building height:*¹ Forty feet.

(b) *Maximum coverage of site by buildings:* None.

(c) *Minimum lot area:*¹ None.

(d) *Minimum lot width:*¹ None.

(e) *Minimum yard width adjacent to streets:* None for buildings; six feet for parking.

(f) *Minimum interior side yard¹ width:* None, except fifteen feet when abutting an area designated as residential on the general plan.

(g) *Minimum rear yard¹ depth:* None, except ten feet when abutting an area designated as residential on the general plan. (Ord. No. 1120, § 26, 11-2-76.)

Sec. 8-21105. Other required conditions.

(a) All uses shall be conducted wholly within a completely enclosed building except for service stations, off-street parking and loading facilities, permitted agricultural uses, swimming pools, cabanas, outdoor eating facilities in connection with eating places, commercial nurseries, and such outdoor sales and services activities as are accessory to an allowed use or as specifically allowed in the district. Sales and storage yards of home improvement centers and commercial nurseries which are not within enclosed buildings shall be surrounded by a minimum six-foot high masonry wall and shall be accessible only from within the building housing the principal use, emergency exits may be provided through the masonry wall. Material stored behind such walls shall not be allowed to be visible above said walls.

(b) All required yards adjacent to streets shall be landscaped.

(c) Processing of products on the premises is permitted provided the processing is clearly incidental and essential to the retail business and where all such completed products are sold at retail on the premises only. (Ord. No. 1120, § 26, 11-2-76.)

Sec. 8-21106. Other regulations of this chapter which are, or may be, applicable.

(a) Parking regulations and standards are stated in Article 20.

(b) Exceptions to the regulations of this article are described in Article 22.

(c) All development, extensions or expansion of structures or premises are subject to the site plan and architectural approval process described in Article 27.

(d) Any change from a residential to a nonresidential use is subject to the site plan and architectural approval process described in Article 27. (Ord. No. 1120, § 26, 11-2-76.)

[Notes Applicable to Article 11]

¹ Term is defined in Article 1.

² Term is elaborated on in Standard Industrial Classification Manual.¹

³ The special regulations of Article 21 apply to this use.

⁴ Requires a public hearing, see Article 25. (Ord. No. 1120, § 26, 11-2-76.)

ARTICLE 12. C-B-D CENTRAL BUSINESS DISTRICT.

§ 8-21200. Purpose.
§ 8-21201. Permitted uses.
§ 8-21201.1. Uses specifically prohibited.
§ 8-21202. Accessory uses.
§ 8-21203. Conditional uses: Commission as reviewing agency.
§ 8-21204. Conditional uses: Zoning administrator as reviewing agency.
§ 8-21205. Building and site standards.
§ 8-21206. Other required conditions.
§ 8-21207. Other regulations of this chapter which are, or may be, applicable.

Sec. 8-21200. Purpose.

To provide for a concentration of retail, service and office uses reflecting needs of the entire city and the subregion. Development within the district shall be in accordance with principles contained within the general plan and policies adopted by the city council. (Ord. No. 1120, § 27, 11-2-76.)

Sec. 8-21201. Permitted uses.

The following uses, unless otherwise designated herein as conditional uses are permitted uses in existing structures. Where a use is to occupy a proposed structure, a conditional use permit for such structure shall be required pursuant to section 8-21206(c).

- (1) Agriculture,¹ except the raising of animals or fowl for commercial purposes.
- (2) Arrangement of transportation.²
- (3) Finance, insurance and real estate services.²
- (4) General offices for business and manufacturing firms.
- (5) Home improvement centers.¹
- (6) Printing, publishing and allied industries.²
- (7) Public administration.²
- (8) Radio and television broadcasting.²
- (9) Retail trade,² except adult book stores.¹
- (10) Services,^{2, 3} except adult theaters¹ and residential care.² (Ord. No. 1120, § 27, 11-2-76.)

Sec. 8-21201.1. Uses specifically prohibited.

The following uses are expressly prohibited within the district:

- (1) Astrology, palmistry and similar services.¹
- (2) Automotive dealers.²
- (3) Auto repair services and garages other than minor repair¹ and automobile parking.
- (4) Blacksmith and farm machinery repair.²
- (5) Camp and trailer parks.²
- (6) Drive-in motion picture theaters or drive-in restaurants.²
- (7) Electrical and refrigeration and air conditioning repair services.²
- (8) Equipment rental and leasing services.²
- (9) Fuel and ice dealers.²
- (10) Funeral services and crematories.²
- (11) Lumber and other building materials dealers.²
- (12) Mobile home dealers.²
- (13) Power and industrial laundrerers.²
- (14) Sewer cleaning, rodding and septic tank cleaning services.²
- (15) Welding and armature repair shops.² (Ord. No. 1120, § 27, 11-2-76.)

Sec. 8-21202. Accessory uses.

- (a) Accessory uses and buildings customarily appurtenant to a permitted use.
- (b) Newspaper racks provided such racks are placed only on private property and in such a manner as to present an orderly appearance and not create an unsafe condition.
- (c) Coin-operated amusement devices in eating and drinking places, limited to two such devices.
- (d) Signs complying with the applicable regulations set forth in Article 21 of this chapter. (Ord. No. 1120, § 27, 11-2-76.)

Sec. 8-21203. Conditional uses: Commission as reviewing agency.

(1) Gasoline service stations^{1,2}, when intended and designed as an integral part of another use within the district, subject to the limitations set forth in section 8-22111.

(2) Adult book stores and adult theaters.¹

(3) Massage parlors, dating and escort services.²

(4) Dance halls, studios and schools.¹

(5) Schools and educational schools not elsewhere classified.²

(6) Modeling service.²

(7) Schools for photography.²

(8) Bus terminals, cabstands and other transit facilities.²

(9) Public and quasi-public uses.^{1, 2}

(10) Any other retail, office or service use which the commission finds will be similar in nature, operation and function of uses allowed in this district. (Ord. No. 1120, § 27, 11-2-76; Ord. No. 1324, § 4, 5-1-79.)

Sec. 8-21204. Conditional uses: Zoning administrator as reviewing agency.

None. (Ord. No. 1120, § 27, 11-2-76.)

Sec. 8-21205. Building and site standards.

The following minimum requirements shall be observed except where increased for conditional uses:

(a) Maximum building height:¹ None.

(b) Maximum coverage of site by buildings: None.

(c) Minimum lot area:¹ None.

(d) Minimum lot width:¹ None.

(e) Minimum yard width adjacent to streets: None for buildings; six feet for parking.

(f) Minimum interior side yard¹ width: None.

(g) Minimum rear yard¹ depth: None. (Ord. No. 1120, § 27, 11-2-76.)

Sec. 8-21206. Other required conditions.

The following additional conditions shall apply in the C-B-D District:

(a) All uses shall be conducted wholly within a completely enclosed building, except for permitted agricultural uses, service stations, off-street parking and loading facilities, swimming pools, cabanas and outdoor eating areas in connection with eating places.

(b) All yards which may be required by a use permit shall be landscaped.

(c) Before any building, structure or site development plan is submitted for the site plan and architectural review process, a conditional use permit approval shall first be secured from the planning commission. (Ord. No. 1120, § 27, 11-2-76.)

Sec. 8-21207. Other regulations of this chapter which are, or may be, applicable.

(a) Parking regulations and standards are stated in Article 20.

(b) Exceptions to the regulations of this article are described in Article 22.

(c) All development, extensions or expansion of structures or premises are subject to the site plan and architectural approval process described in Article 27.

(d) Any change from a residential to a nonresidential use is subject to the site plan and architectural approval process described in Article 27. (Ord. No. 1120, § 27, 11-2-76.)

[Notes Applicable to Article 12]

¹ This term is defined in Article 1.

² Term is elaborated on in Standard Industrial Classification Manual.¹

³ The special regulations of Article 21 apply to this use. (Ord. No. 1120, § 27, 11-2-76.)

ARTICLE 13. C-T THOROUGHFARE COMMERCIAL
DISTRICT.

- § 8-21300. Purpose.
- § 8-21301. Permitted uses.
- § 8-21302. Accessory uses.
- § 8-21303. Conditional uses: Commission as reviewing agency.
- § 8-21304. Conditional uses: Zoning administrator as reviewing agency.
- § 8-21305. Building and site standards.
- § 8-21306. Other required conditions.
- § 8-21307. Other regulations of this chapter which are, or may be applicable.

Sec. 8-21300. Purpose.

To provide areas within the city to accommodate uses normally needed by the traveling public, for amusement and ancillary commercial uses which are appropriate to thoroughfare locations, and for other uses not dependent on a central location. C-T Districts should not be less than two acres in area and normally located at intersections of thoroughfares or freeways. (Ord. No. 1120, § 28, 11-2-76.)

Sec. 8-21301. Permitted uses.

- (a) Agriculture,¹ except the raising of animals or fowl for commercial purposes.
- (b) Automotive dealers,² except in (H) overlay districts. This category does not include gasoline service stations.
- (c) Automotive diagnostic centers.²
- (d) Automobile repair, services and garages,³ except major auto repair¹ and car washes.²
- (e) Commercial nurseries.¹
- (f) Convenience food stores.¹
- (g) Coin-operated laundries and dry cleaning.³
- (h) Eating places,² except for drive-in restaurants or establishments dispensing alcoholic beverages.
- (i) Equipment rental and leasing services,² except in (H) overlay districts.
- (j) Insurance agents, brokers and service.²
- (k) Mobile home dealers, except in (H) overlay districts.
- (l) Motels and hotels.²
- (m) Motion picture theaters,² except drive-in or adult theaters.¹
- (n) Real estate brokers.²
- (o) Retail stores:
 - (1) Gift, novelty and souvenir shops.²
 - (2) Auto and home supply stores.²
 - (3) News dealers and newsstand,² not including materials customarily sold, loaned or rented in adult bookstores.
 - (4) Doughnut shops.²
 - (5) Ice cream stores.²
 - (6) Paint, glass and wallpaper stores.
 - (7) Hardware stores.
 - (p) Veterinary services.^{2,3}
- (q) Travel agencies and bureaus. (Ord. No. 1120, § 28, 11-2-76; Ord. No. 1268, § 1, 8-22-78.)

Sec. 8-21302. Accessory uses.

- (a) Self-service ice dispenser limited to a unit no larger than sixteen hundred cubic feet in size.

- (b) Coin-operated amusement devices in eating and drinking places limited to two such devices.

- (c) Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities.

- (d) Newspaper racks in conjunction with an allowed use provided such racks are placed only on private property and in such a manner as to present an orderly appearance and not create an unsafe condition.

- (e) Signs complying with the applicable regulations of Article 21 of this chapter. (Ord. No. 1120, § 28, 11-2-76.)

Sec. 8-21303. Conditional uses: Commission as reviewing agency.

- (a) Amusement and recreation services, except motion pictures.^{2,3}
- (b) Car washes,² except in (H) overlay district.
- (c) Drinking places.^{2,4}
- (d) Drive-in restaurants, except in (H) overlay districts.³
- (e) Drive-in theaters, except in (H) overlay districts^{2,3} and except adult theaters.
- (f) Eating places² serving alcoholic beverages.⁴
- (g) Gasoline service stations^{2,3}, subject to the limitations set forth in section 8-22111.
- (h) Lumber and other building material dealers, except in (H) overlay districts.
- (i) Massage parlors, dating services, and escort service,² except in (H) overlay districts.
- (j) Any other use which the planning commission finds will be similar in nature, operation or function of uses allowed within this district. (Ord. No. 1120, § 28, 11-2-76 Ord. No. 1268, § 2, 8-22-78; Ord. No. 1324, § 5, 5-1-79.)

Sec. 8-21304. Conditional uses: Zoning administrator as reviewing agency.

- (a) Public or public utility uses.^{1,3}
- (b) Quasi-public uses.¹ (Ord. No. 1120, § 28, 11-2-76.)

Sec. 8-21305. Building and site standards.

The following minimum requirements shall be observed except where increased for conditional uses:

- (a) Maximum building height:¹ Thirty-five feet, except that drive-in theater screens may be no more than one hundred feet above grade.
- (b) Maximum coverage of site by buildings: None.
- (c) Minimum lot area:¹ Ten thousand square feet.
- (d) Minimum lot width:¹ Sixty-five feet.
- (e) Minimum yard width adjacent to streets: Fifteen feet.
- (f) Minimum interior side yard:¹ None, except fifteen feet when abutting an area designated for residential use on the general plan.
- (g) Minimum rear yard:¹ None, except ten feet when abutting an area designated for residential use on the general plan. (Ord. No. 1120, § 28, 11-2-76.)

Sec. 8-21306. Other required conditions.

(a) Where a use except for agriculture is conducted outside of an enclosed building and is located adjacent to or contiguous to lands designated for residential use on the general plan, such use shall be screened behind a six-foot masonry fence. In lieu of a masonry fence, the uses may be screened by a nonmasonry fence where a landscaped strip ten feet in width separates the uses from adjacent or contiguous property.

(b) Displays of merchandise for sale may be placed within the yards adjacent to streets provided that a landscaped strip six feet in width is maintained between the street right-of-way and the displays, and no encroachment of the landscaped area occurs.

(c) All required yards adjacent to streets shall be landscaped, except as provided in (b). (Ord. No. 1120, § 28, 11-2-76.)

Sec. 8-21307. Other regulations of this chapter which are, or may be, applicable.

(a) Parking regulations and standards are stated in Article 20.

(b) Exceptions to the regulations of this article are described in Article 22.

(c) All development, extensions or expansion of structures or premises are subject to the site plan and architectural approval process described in Article 27.

(d) Any change from a residential to a nonresidential use is subject to the site plan and architectural review process described in Article 27. (Ord. No. 1120, § 28, 11-2-76.)

[Notes Applicable to Article 13]

¹ Term is defined in Article 1.

² Term is elaborated on in Standard Industrial Classification Manual.¹

³ The special regulations of Article 21 apply to this use.

⁴ Requires a public hearing; see Article 25.

- § 8-21310. Purpose.
- § 8-21311. Permitted uses.
- § 8-21312. Accessory uses.
- § 8-21313. Conditional uses: Commission as reviewing agency.
- § 8-21314. Conditional uses: Zoning administrator as reviewing agency.
- § 8-21315. Building and site standards.
- § 8-21316. [Other required conditions.]
- § 8-21317. Other regulations of this chapter which are, or may be, applicable.

Sec. 8-21310. Purpose.

To provide locations for high volume retail outlets which serve the residents of the city and the region. Uses which would locate in this district are primarily shopper type outlets as opposed to convenience goods. Operators of such outlets engage in consistent promotional activities and require visual exposure for their operations. C-R Districts shall be established in zones of one acre or larger and are usually located at intersections of major thoroughfares to major thoroughfares and major thoroughfares to freeway interchanges. (Ord. No. 1120, § 29, 11-2-76.)

Sec. 8-21311. Permitted uses.

The following uses, unless otherwise designated herein as conditional uses, are permitted uses in existing structures. Where a use is to occupy a proposed structure, a conditional use permit for such structure shall be required pursuant to section 8-21316(e).

- (1) Agriculture,¹ except the raising of animals or fowl for commercial purposes.
- (2) Apparel and accessory stores.²
- (3) Auto and home supply stores.²
- (4) Candy, nut and confectionary stores.²
- (5) Eating places.³
- (6) Furniture and home furnishings and equipment.²
- (7) General merchandise.²
- (8) Hardware.³
- (9) Home improvement centers.¹
- (10) Miscellaneous retail, except used merchandise stores, nonstore retailers, or fuel and ice dealers.²
- (11) Motor vehicle dealers.²
- (12) Paint, glass and wallpaper.² (Ord. No. 1120, § 29, 11-2-76.)

Sec. 8-21312. Accessory uses.

- (a) Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities.
- (b) Commercial nurseries¹ if accessory to a general merchandise or home improvement center.
- (c) Self-service ice dispensers, limited to units no larger than sixteen hundred cubic feet in size.
- (d) Newspaper racks in conjunction with a principal use provided such racks are placed only on private property and in such a manner as to present an orderly appearance and not create an unsafe condition.
- (e) Coin-operated amusement devices in eating and drinking places limited to two such devices.
- (f) Signs complying with the applicable regulations of Article 21 of this chapter. (Ord. No. 1120, § 29, 11-2-76.)

Sec. 8-21313. Conditional uses: Commission as reviewing agency.

(1) Gasoline service stations^{1,2,3}; subject to the limitations set forth in section 8-22111.

(2) Drinking places.^{2,4} (Ord. No. 1120, § 29, 11-2-76; Ord. No. 1324, § 6, 5-1-79.)

Sec. 8-21314. Conditional uses: Zoning administrator as reviewing agency.

None. (Ord. No. 1120, § 29, 11-2-76.)

Sec. 8-21315. Building and site standards.

The following minimum requirements shall be observed except where increased by conditional use permit:

(a) Maximum building height:¹ Thirty-five feet, except the planning commission may permit an increase in height where it finds that such an increase will not be detrimental to adjacent present and future development.

(b) Maximum coverage of site by buildings: Fifty percent.

(c) Minimum lot area:¹ Twenty thousand square feet.

(d) Minimum yard width adjacent to streets: Fifteen feet.

(e) Minimum interior side yard width: None, except fifteen feet when abutting an area designated for residential use on the general plan.

(f) Minimum rear yard width:¹ None, except fifteen feet when abutting an area designated for residential use on the general plan. (Ord. No. 1120, § 29, 11-2-76.)

Sec. 8-21316. [Other required conditions.]

(a) All uses shall be conducted wholly within a completely enclosed building except for permitted agricultural uses, gasoline service stations, off-street parking and loading facilities, outdoor eating facilities in connection with eating places, motor vehicle displays, and portions of home improvement centers and commercial nurseries. Areas of home improvement centers and commercial nurseries which are not within enclosed buildings shall be surrounded by a minimum six-foot high masonry wall and shall be accessible only from within the building housing the principal use. Emergency exits may be provided through the masonry walls.

(b) Where a use conducted outside of an enclosed building is located adjacent or contiguous to lands designated for residential use on the general plan, such use shall be screened behind a six-foot masonry fence. In lieu of a masonry fence, the uses may be screened by a nonmasonry fence where a landscaped strip ten feet in width separates the uses from adjacent or contiguous property.

(c) Displays of merchandise for sale may be placed within the yards adjacent to streets provided that a landscaped strip no less than six feet in width is maintained between the street right-of-way and the displays and no encroachment of the landscaped area occurs.

(d) All required yards adjacent to streets shall be landscaped except as provided by (c).

(e) Before any building, structure or site development plan is submitted for the site plan and architectural approval process, a conditional use permit approval shall first be secured from the planning commission. (Ord. No. 1120, § 29, 11-2-76.)

Sec. 8-21317. Other regulations of this chapter which are, or may be, applicable.

(a) Parking regulations and standards are stated in Article 20.

(b) Exceptions to the regulations of this article are described in Article 22.

(c) All development, extensions or expansion of structures or premises are subject to the site plan and architectural approval process described in Article 27.

(d) Any change from a residential to a nonresidential use is subject to the site plan and architectural review process described in Article 27. (Ord. No. 1120, § 29, 11-2-76.)

[Notes Applicable to Article 13.1]

¹ This term is defined in Article 1.

² Term is elaborated on in Standard Industrial Classification Manual.¹

³ The special regulations of Article 21 apply to this use.

⁴ Requires a public hearing; see Article 25. (Ord. No. 1120, § 29, 11-2-76.)

ARTICLE 14. C-G GENERAL COMMERCIAL DISTRICT

- § 8-21400. Purpose.
- § 8-21401. Permitted uses.
- § 8-21402. Accessory uses.
- § 8-21403. Conditional uses: Commission as reviewing agency.
- § 8-21403.1. Conditional uses: Zoning administrator and reviewing agency.
- § 8-21403.2. Areas designated as retail commercial on the general plan.
- § 8-21404. Building and site standards.
- § 8-21405. Other required conditions.
- § 8-21406. Other regulations of this chapter which are, or may be, applicable.

Sec. 8-21400. Purpose.

To provide for wholesale and heavy commercial uses and services not suited to other commercial districts. C-G Districts shall be not less than two acres in size. (Ord. No. 1120, § 30, 11-2-76.)

Sec. 8-21401. Permitted uses.

- (a) Manufacturing uses, except in (H) overlay districts:

- (1) Bakery products.²
- (2) Bottled and canned soft drinks and carbonated water.²
- (3) Candy and other confectionary products.²
- (4) Dairy products.²
- (5) Printing, publishing and allied industry.²

- (b) Retail trade:

- (1) Automotive dealers except auto and home supply stores and gasoline service stations,² except in (H) overlay districts.
- (2) Auto and home supply stores.²
- (3) Commercial nurseries.¹
- (4) Farm implement dealers,² except in (H) overlay districts.
- (5) Fuel and ice dealers.
- (6) Lumber and other building material dealers,² including home improvement centers.¹
- (7) Mobile home dealers² except in (H) overlay districts.
- (8) Restaurants not dispensing alcoholic beverages.¹
- (c) Services:
 - (1) Automotive repair, minor.¹
 - (2) Automotive repair services² and garages, except in (H) overlay districts.
 - (3) Computer and data processing services.²
 - (4) Engineering, architectural and surveying services.²
 - (5) Equipment rental and leasing services,² except in (H) overlay districts.
 - (6) Laundry, cleaning and garment services.²
 - (7) Miscellaneous repair services.²
 - (8) Photofinishing laboratories.²
 - (9) Research and development laboratories.²
 - (10) Services to dwellings and other buildings.²
- (d) Other:
 - (1) Agriculture,¹ except the raising of animals or fowl for commercial purposes.
 - (2) Building construction,² except in (H) overlay districts.

- (3) Construction other than building construction,² except in (H) overlay districts.
- (4) Corporation yards,¹ except in (H) overlay districts.
- (5) Local and suburban passenger transportation,² except in (H) overlay districts.
- (6) Motor freight transportation and warehousing,² except in (H) overlay districts.
- (7) Public utilities.¹
- (8) Special trade contractors.²
- (9) Taxicabs.²
- (10) Veterinary services.^{2, 3}
- (11) Wholesale trade.² (Ord. No. 1120, § 30, 11-2-76.)

Sec. 8-21402. Accessory uses.

- (a) Accessory uses and buildings customarily appurtenant to a permitted use.

- (b) Self-service ice dispenser limited to a unit no larger than sixteen hundred cubic feet in size.

- (c) Newspaper racks in conjunction with an allowed use provided such racks are placed only on private property and in such a manner as to present an orderly appearance and not create an unsafe condition.

- (d) Coin-operated amusement devices in eating places, limited to two such devices.

- (e) Signs complying with the applicable regulations set forth in Article 21 of this chapter. (Ord. No. 1120, § 30, 11-2-76.)

Sec. 8-21403. Conditional uses: Commission as reviewing agency.

- (a) Gasoline service stations^{2, 3}, subject to the limitations set forth in section 8-22-111.

- (b) Restaurants serving alcoholic beverages,⁴ but not including bars and cocktail lounges which are not incidental to the primary restaurant purpose.

- (c) Trailering parks and campsites for transients.²

- (d) Any other commercial use which the commission finds will be similar in nature, operation and function of uses allowed in the district. (Ord. No. 1120, § 30, 11-2-76; Ord. No. 1324, § 7, 5-1-79.)

Sec. 8-21403.1. Conditional uses: Zoning administrator as reviewing agency.

- (a) Public or quasi-public uses.^{1, 2, 3}

- (b) Amusement and recreation services, excluding motion pictures.^{2, 3}

- (c) Drive-in motion picture theaters,^{2, 3} except in (H) overlay districts. This category does not include adult theaters.

- (d) Ready-mix concrete plants,² except in (H) overlay districts. (Ord. No. 1120, § 30, 11-2-76.)

Sec. 8-21403.2. Areas designated as retail commercial on the general plan.

The following additional uses are allowed in the C-G District where the general plan designation is retail commercial:

A. Permitted Uses.

(a) Retail stores:

- (1) Apparel and accessory stores.
- (2) Eating and drinking places except drive-ins, nightclubs and discotheques.
- (3) Food stores.
- (4) Furniture, home furnishings and equipment stores.
- (5) General merchandise stores except department stores.
- (6) Hardware stores.
- (7) Miscellaneous retail, except adult book stores.
- (8) Paint, glass and wallpaper stores.

(b) Services:

- (1) Beauty and barber shops.
- (2) Business services.
- (3) Clothing and costume rental.
- (4) Coin-operated service machine operations.
- (5) Communications services, not elsewhere classified.
- (6) Dog grooming.
- (7) Finance, insurance and real estate.
- (8) Health clubs or spas.
- (9) Health services.
- (10) Judo and karate instruction.
- (11) Legal and miscellaneous services, including landscape counseling and planning.
- (12) Motion pictures, except drive-in motion picture theaters and adult theaters.
- (13) Photographic studios, portrait.
- (14) Radio and TV broadcasting.
- (15) Shoe repair, shoeshine and hat cleaning shops.
- (16) Tax return preparation service.
- (17) Taxidermists.
- (18) Theatrical producers and miscellaneous theatrical services.
- (19) Travel agencies and bureaus.

B. Conditional Uses; Commission as Reviewing Agency.

- (1) Modeling services, except in (H) overlay district.
- (2) Mortuaries.
- (3) Schools for photography.

C. Conditional Uses; Zoning Administrator as Reviewing Agency.

- (1) Schools and educational services not elsewhere classified.
- (2) Coin-operated amusement devices. (Ord. No. 1235, § 1, 2-28-78.)

Sec. 8-21404. Building and site standards.

The following minimum requirements shall be observed except where increased for conditional uses.

(a) Maximum building height: Fifty feet.

(b) Maximum coverage of site by buildings: None.

(c) Minimum lot area:¹ Ten thousand square feet.

(d) Minimum lot width: Sixty-five feet.

(e) Minimum yard width adjacent to streets: Fifteen feet.

(f) Minimum interior side yard¹ width: None, except fifteen feet when abutting an area designated for residential use on the general plan.

(g) Minimum rear yard¹ depth: None, except ten feet when abutting an area designated for residential use on the general plan. (Ord. No. 1120, § 30, 11-2-76.)

Sec. 8-21405. Other required conditions.

The following additional conditions shall apply in a C-G District:

(a) The exterior storage, within two hundred feet of a street lot line,¹ of raw or primary materials, waste products, construction materials, unfinished items of manufacturer and similar items shall be either screened from nearby streets by appropriate fencing or shall be made visually acceptable by landscaping. The adequacy and appropriateness of both options shall be determined by the development organization.

(b) Where a use except agriculture is outside of an enclosed building [and] is located adjacent or contiguous to lands designated for residential use on the general plan, such use shall be screened behind a six-foot masonry fence. In lieu of a masonry fence, the use may be screened by a nonmasonry fence where a landscaped strip ten feet in width separates the use from contiguous property.

(c) Displays of merchandise for sale may be placed within the yards adjacent to streets provided that a landscaped strip not less than six feet in width is maintained between the street right-of-way and the displays and no encroachment of the landscaped area occurs.

(d) All required yards adjacent to streets shall be landscaped, except as provided in (c). (Ord. No. 1120, § 30, 11-2-76.)

Sec. 8-21406. Other regulations of this chapter which are, or may be, applicable.

(a) Parking regulations and standards are stated in Article 20.

(b) Exceptions to the regulations of this article are described in Article 22.

(c) All uses, including the reuse of premises, are subject to the site plan and architectural approval process described in Article 27.

(d) Any change from a residential to a nonresidential use is subject to the site plan and architectural review process described in Article 27. (Ord. No. 1120, § 30, 11-2-76.)

[Notes Applicable to Article 14]

¹ This term is defined in Article 1.

² Term is elaborated on in the Standard Industrial Classification Manual.¹

³ The special regulations of Article 21 apply to this use.

⁴ Requires a public hearing; see Article 25. (Ord. No. 1120, § 30, 11-2-76.)

**ARTICLE 15. I-R INDUSTRIAL ADMINISTRATION
AND RESEARCH DISTRICT.**

- § 8-21500. Purpose.
- § 8-21501. Principal permitted uses.
- § 8-21502. Accessory uses.
- § 8-21502.5. Interim conditional uses.
- § 8-21503. Conditional uses.
- § 8-21504. Height regulations.
- § 8-21505. Area, lot coverage, and yard requirements.
- § 8-21506. Other required conditions.

Sec. 8-21500. Purpose.

To provide an environment exclusively for and conducive to the development and protection of modern, large scale and administrative facilities, research institutions, and specialized manufacturing organizations, all of a nonnuisance type. (Sec. 8-21500, Ord. 87.)

Sec. 8-21501. Principal permitted uses.

The following are the principal permitted uses in an I-R District:

- (a) Administrative and executive offices.
- (b) Experimental, film, or testing laboratories.
- (c) Manufacturing, assembly, or packaging of products from previously prepared materials, such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, but not including such operations as saw and planing mills, any manufacturing uses involving primary production of wood, metal, or chemical products from raw materials, or any use listed as a conditional use in the I-R District.
- (d) Manufacture of electric and electronic instruments and devices, such as television sets, radios, and television, radio and phonographic equipment.
- (e) Manufacture of food products, pharmaceuticals, and the like, but not including the production of fish or meat products, sauerkraut, vinegar, or the like, or the rendering or refining of fats and oils.
- (f) Wholesale and retail sales of goods manufactured, processed, or assembled (improved or developed to a higher use by machine or by hand) on the premises.
- (g) Agriculture, including agricultural nurseries, except the raising of animals or fowl for commercial purposes. (Sec. 8-21501, Ord. 87; Sec. 2, Ord. 463; Sec. 4, Ord. 550; Ord. 945, § 1, 5-1-73; Ord. No. 949, § 1, 6-19-73; Ord. No. 977, § 5, 2-12-74.)

Sec. 8-21502. Accessory uses.

The following are the accessory uses permitted in an I-R District:

- (a) Signs complying with the applicable regulations set forth in Article 21 of this chapter.
- (b) Roadside stands complying with conditions set forth in section 8-22119 of this chapter.
- (c) Accessory uses and buildings customarily appurtenant to a permitted use. (Sec. 8-21502, Ord. 87; Sec. 18, Ord. 371; Ord. No. 758, § 19, 12-16-69; Ord. No. 945, § 2, 5-1-73; Ord. No. 977, § 6, 2-12-74; Ord. No. 1026, § 1, 1-21-75; Ord. No. 1174, § 4, 6-14-77.)

Sec. 8-21502.5. Interim conditional uses.

The following are conditional uses in the I-R District of such an interim nature that their use, once implemented, shall

be limited to three years of operation, with possible renewals of additional three year periods.

- (a) Public stables and riding academies.

- (b) Corporation yards and recreational vehicle storage yards. (Ord. No. 945, § 6, 5-1-73; Ord. No. 949, § 1, 6-19-73.)

Sec. 8-21503. Conditional uses.

The following are conditional uses in an I-R District, subject to a finding by the zoning administrator that such uses are not inconsistent with the purpose of this article and that such uses will not impair the present or potential use of adjacent properties:

- (a) Public or quasi-public uses of an educational or recreational nature.
- (b) Public utility buildings and service yards.
- (c) Warehouses and distribution depot facilities.
- (d) Animal hospitals and veterinary clinics.
- (e) Any other research or light manufacturing use.
- (f) Printing and lithographic shops, electrical, plumbing and heating shops, taxidermy shops, bakeries (facilities which both bake and sell), creameries, soft drink bottling plants, and furniture upholstering shops.

- (g) Eating places, excluding drive-ins, if found by the zoning administrator, on the basis of information submitted, to be predominantly supported by employees of enterprises located in the immediate vicinity of the proposed use; provided, however, that as for conditional use permits involving the sale of alcoholic beverages for consumption on the premises, the commission shall be the reviewing agency. (Sec. 8-21503, Ord. 87; Sec. 1, Ord. 278; Sec. 8, Ord. 463; Sec. 1, Ord. 467; Sec. 5, Ord. 550; Sec. 1, Ord. 733; Sec. 6, Ord. 748; Ord. No. 793, § 2, 9-15-70; Ord. No. 949, § 1, 6-19-73; Ord. No. 1245, § 1, 4-4-78.)

Sec. 8-21504. Height regulations.

No structure within two hundred feet of any R district or an A district designated for future residential use in the general plan shall exceed either three stories or fifty feet in height; provided further, that before the construction of any structure which exceeds fifty feet in height is authorized, the zoning administrator must make a finding that any such excess height will not be detrimental to the light, air, or privacy of any other structure or use currently existing or anticipated. Hearings and appeals regarding such determinations shall be conducted pursuant to the procedure established in Article 25 of this chapter, to the extent applicable. (Sec. 8-21504, Ord. 87; Ord. No. 793, § 3, 9-15-70.)

Sec. 8-21505. Area, lot coverage and yard requirements.

The following minimum requirements shall be observed, except where increased for conditional uses:

- (a) *Lot area:* I-R-20, twenty thousand square feet; I-R-40, forty thousand square feet; I-R-X, as marked on zoning map.

- (b) *Front yard:* Twenty-five feet.

- (c) *Side yard:* Fifteen feet except when adjoining an R District or an A District designated for future residential use in the general plan (unless separated by a public street), then not less than thirty feet.

Exception: If the parcel does not adjoin an R district or an A district designated for future use in the general plan and is forty thousand square feet or less in net lot area, then the fifteen-foot setbacks may be eliminated, subject to the condition that access, i.e., a yard corridor of not less than fifteen feet in width, is maintained on at least two adjoining faces of the building.

(d) **Rear yard:** None, except when abutting an R district or an A district designated for future residential use on the general plan, then not less than fifty feet.

(e) **Use of yard areas:** The following uses only shall be made of yard areas, and then only if such uses are otherwise permissible pursuant to the provisions of this chapter:

(1) **Landscaping:** All required yards adjacent to streets shall be landscaped, except for driveways and sidewalks which are found by the development organization to be necessary for the efficient use of the property. A landscaped strip of land, at least eight feet wide, shall be maintained along any property line where an I-R District abuts an R District or an A District designated for future residential use in the general plan. All landscaping shall be carried out in accordance with the landscaping plan approved by the development organization, and such landscaping shall be installed in such a manner so as to prevent the viewing of outdoor storage, parking and loading areas from contiguous residential properties insofar as is practicable.

(2) **Driveways.**

(3) **Sidewalks.**

(4) **Parking and loading:** On-street parking or on-street loading shall not be permitted in an I-R District. Off-street loading or employee parking shall be allowed in side yards and rear yards. Guest parking shall be allowed in that area of the front yard which is more than twenty-five feet from the public right-of-way. Beyond this twenty-five foot setback, such parking areas shall be properly screened from the public view and shall not contain more than ten per cent of the number of required parking stalls or twenty parking stalls, whichever is less; however, notwithstanding the foregoing, it may contain a minimum of three parking stalls.

(5) **Exterior storage:** Exterior storage shall be allowed only in rear and side yards not adjacent to a public street, providing the location, extent and screening of such storage is approved by the development organization; and further provided that exterior storage shall be screened from the public view by a suitable fence, wall, berm or hedge not exceeding fifteen feet in height, with stored material kept at least two feet below the top of such fence. (Ord. No. 87, § 8-21505, Ord. No. 793, § 4, 9-15-70.)

Sec. 8-21506. Other required conditions.

The following additional conditions shall apply in an I-R District:

(a) All uses permitted by this article, except for permitted agriculture administrative, executive, and retail commercial uses shall be subject to review in accordance with the performance standard procedure.

(b) All uses shall be conducted wholly within a completely enclosed building, except for agriculture, exterior storage approved by the development organization, off-street parking and

loading facilities, public and quasi-public uses, public utility yards, and conditional uses where exterior storage is a primary function.

(c) Manufacturing and industrial processes shall use only gas or electricity as a fuel; provided, however, that equipment using other fuel may be installed for standby purposes only.

(d) In any I-R District directly across a street from any R District or from any A District designated for future residential use in the general plan, the buildings and structures shall be distant at least fifty feet from the street; provided, however, that this requirement does not apply when the street or thoroughfare is provided on one or both sides with a service road developed in accordance with the provisions of the subdivision chapter.

(e) Site plan and architectural approval are required for all uses except roadside stands. (Ord. No. 87, § 8-21506; Ord. No. 368, § 2; Ord. No. 382, § 7; Ord. No. 748, § 7; Ord. No. 793, § 5, 9-15-70; Ord. No. 949, § 1, 6-19-73; Ord. No. 977, § 7, 2-12-74; Ord. No. 1174, § 5, 6-14-77.)

ARTICLE 15.5. I-P INDUSTRIAL PARK DISTRICT.

- § 8-21550. Purpose.
- § 8-21551. Principal permitted uses.
- § 8-21552. Accessory uses.
- § 8-21553. Conditional uses.
- § 8-21554. Prohibited uses.
- § 8-21555. Height regulations.
- § 8-21556. Area, lot coverage, and yard requirements.
- § 8-21557. Other required conditions.

Sec. 8-21550. Purpose.

To provide for the development of landscaped industrial parks which serve a variety of uses emphasizing low building concentration and suitable open space. (Sec. 1, Ord. 477.)

Sec. 8-21551. Principal permitted uses.

The following are the principal permitted uses in an I-P District:

- (a) Administrative, executive, and research facilities.
- (b) Experimental, film, or testing laboratories.
- (c) Manufacture, assembly, or packaging of products from previously prepared materials, such as cloth, plastic, metal, paper, leather, precious or semi-precious stones.
- (d) Manufacture of electric or electronic instruments and devices, such as television sets, radios and phonographic equipment.
- (e) Manufacture and preparation of food products, including meat products, beverages, including beer, ale and other malt beverages, pharmaceuticals, and the like.
- (f) Warehouse, distribution and wholesale sales uses.
- (g) The retail sale of goods which are manufactured, processed, or assembled (improved or developed to a higher use by machine or by hand) on the premises.
- (h) Agriculture, including agricultural nurseries, except the raising of hogs and turkeys, or any animals or fowl which cause noise, dust or odor adversely affecting property in the District or the public in general. (Sec. 1, Ord. 477; Ord. No. 949, § 2, 6-19-73; Ord. No. 977, § 2, 2-12-74.)

Sec. 8-21552. Accessory uses.

The following accessory uses are permitted in an I-P District in conjunction with permitted uses.

- (a) Signs complying with the applicable regulations set forth in article 21 of this chapter.
- (b) Wood fences, masonry walls and solid hedges otherwise permissible in accordance with the provisions of this chapter provided that notwithstanding other provisions of this chapter to the contrary, any such fence, wall or solid hedge which is used to screen exterior storage from public view may be allowed to a height not exceeding fifteen feet.
- (c) Incidental services, such as food and beverage dispensing and sales facilities to serve employees and guests of an occupant of the district when conducted within an integral part of a main structure and having no exterior display or advertising signs.
- (d) Accessory facilities and buildings customarily appurtenant to a permitted use and not otherwise prohibited.
- (e) Roadside stands complying with conditions set forth in section 8-22119 of this chapter. (Ord. No. 477, § 1; Ord. No. 758, § 20, 12-16-69; Ord. No. 977, § 9, 2-12-74; Ord. No. 1174, § 6, 6-14-77.)

Sec. 8-21553. Conditional uses.

The following are conditional uses in an I-P District, subject to a finding by the zoning administrator that such uses are not inconsistent with the purpose of this article and that such uses will not impair the present or potential use of adjacent properties:

- (a) Public utility buildings.
- (b) Unenclosed structures such as outside conveyor systems, or towers used for the transmission or reception of television, telephone, or radio messages.
- (c) Any other research or manufacturing use.
- (d) Printing and lithographic shops, cabinet shops, electrical, plumbing and heating shops, taxidermy shops, bakeries (facilities which both bake and sell), creameries, soft drink bottling plants, and furniture upholstering shops.
- (e) Warehouse facilities involving both wholesale and retail sales, including but not limited to such large items as furniture, floor and wall coverings and appliances, provided that such uses are conducted completely within an enclosed building.
- (f) Eating places, excluding drive-ins, if found by the zoning administrator, on the basis of information submitted, to be predominantly supported by employees of enterprises located in the immediate vicinity of the proposed use; providing, however, that as for conditional use permits involving the sale of alcoholic beverages for consumption on the premises, the commission shall be the reviewing agency. (Sec. 1, Ord. 447; Ord. No. 793, § 6, 9-15-70; Ord. No. 949, § 2, 6-19-73; Ord. No. 1245, § 2, 4-4-78.)

Sec. 8-21554. Prohibited uses.

No provision of sections 8-21551 through 8-21553 shall be interpreted to permit the establishment or maintenance in an I-P District, of any of the following uses:

- (a) Any activities which utilize fissionable or radioactive materials if their use results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewage systems.
- (b) Saw or planing mills.
- (c) Junk, auto wrecking or salvage yards.
- (d) Manufacturing or production of cement, lime, asphalt, gypsum, fireworks, wood pulp, or the like.
- (e) Manufacturing, incineration or reduction of garbage, offal or dead animals.
- (f) Refining of petroleum.
- (g) Smelting of zinc, copper, tin or iron ores.
- (h) Stockyards or abattoirs.
- (i) Processing of sugar beets.
- (j) The production of fish products, sauerkraut, vinegar, or the like, or the rendering or refining of fats and oils.
- (k) Any use constituting or resulting in public or private nuisance because of emission of any smoke, dust, gas, odor, fumes, noise, vibration, radioactive or fissionable material, or refuse material. (Sec. 1, Ord. 477.)

Sec. 8-21555. Height regulations.

There shall be no specific height limitation in the I-P District. (Sec. 1, Ord. 477.)

Sec. 8-21556. Area, lot coverage, and yard requirements.

The following are the area, lot coverage, and yard requirements of an I-P District:

- (a) Lot area: A minimum of twenty thousand square feet.
- (b) Lot coverage: Buildings may occupy not more than fifty per cent of any lot adjacent to a freeway or a frontage road contiguous to a freeway, and not more than sixty per cent of any other lots.
- (c) Minimum depth of yard areas: For purposes of this section, "yard areas" are defined to include all areas within a lot not occupied by any structures.

For purposes of this section, in addition to the definition set forth in section 8-2187 of this chapter, "front yard areas" are defined to include but not be limited to yard areas adjoining a freeway or a frontage road contiguous to a freeway. All yard dimensions shall conform to the following minimums, unless otherwise prescribed in a precise plan adopted by the city council:

- (1) Front yard: Twenty-five feet.
- (2) Side yard: One side fifteen feet; total both sides forty feet, except when a structure shall exceed forty-five feet in height, one side yard shall be at least three times the distance otherwise required, provided that in no event shall the required dimensions exceed one hundred feet. Thirty feet when adjoining an "R" District or an "A" District designated for future residential use on the general plan; twenty-five feet when on a lot adjoining a freeway or frontage road contiguous to a freeway.
- (3) Rear yard: Fifteen feet. Fifty feet when abutting an "R" District or an "A" District designated for future residential use on the general plan; twenty-five feet when on a lot adjoining a freeway or frontage road contiguous to a freeway.

The dimensions set forth above shall be depth measurements from property line.

(d) Use of yard areas: The following uses only shall be made of yard areas, and then only if such uses are otherwise permissible pursuant to the provisions of this chapter:

- (1) Landscaping: All required yards adjacent to streets shall be landscaped, except for driveways and sidewalks which are found by the development organization to be necessary for the efficient use of the property. A landscaped strip of land, at least eight feet wide, shall be maintained along any property line where an I-P district abuts an R district or an A district designated for future residential use in the general plan. All landscaping shall be carried out in accordance with the landscaping plan approved by the development organization, and such landscaping shall be installed in such a manner so as to prevent the viewing of outdoor storage and parking and loading areas from contiguous residential properties insofar as is practicable.
- (2) Driveways.
- (3) Sidewalks.
- (4) Parking and loading: On-street parking or on-street loading shall not be permitted in an I-P district. Off-street loading shall be allowed in side yards and rear

yards only. Off-street parking shall be allowed only in side yards, rear yards, and that area of the front yard which is more than twenty-five feet from the public right-of-way. Beyond this twenty-five foot setback, such parking areas shall be properly screened from public view and shall not contain more than ten per cent of the number of required parking stalls or twenty parking stalls, whichever is less, however, notwithstanding the foregoing it may contain a minimum of three parking stalls.

- (5) Exterior storage: Exterior storage shall be allowed in rear and side yard areas only, provided the location, extent and screening of such storage is approved by the site plan and architectural approval agency; and further provided that exterior storage shall be screened from public view by a suitable fence, wall or hedge not exceeding fifteen feet in height, with the stored materials to be kept at least two feet below the top of such fence. (Sec. 1, Ord. 477; Ord. No. 793, § 7, 9-15-70.)

Sec. 8-21557. Other required conditions.

The following additional conditions shall apply in an I-P District:

(a) Site plan and architectural approval are required for all uses except roadside stands.

(b) All conditional uses shall be subject to review in accordance with the performance standard procedure, and any other uses may be subject to such review upon order of the building inspector or director of planning acting pursuant to section 8-21901 of this chapter.

(c) All uses shall be conducted wholly within a completely enclosed building, except for agriculture, off-street parking, loading, exterior storage, other accessory uses listed above which by their nature must necessarily exist outside a building, and except conditional uses which are specifically allowed by the zoning administrator to be conducted outside a building.

(d) In any I-P District directly across a street from any R District or from any A District designated for future residential use in the general plan, the buildings and structures shall be distant at least fifty feet from the street; provided, however, that this requirement shall not apply when the street or thoroughfare is provided on one or both sides with a service road developed in accordance with the provisions of the subdivision chapter.

(e) All storage areas shall be surfaced to provide a durable and dust-free surface. All areas shall be so graded and drained as to dispose of all surface water accumulated within the area.

(f) Repealed by Ordinance No. 631. (Ord. No. 477, § 1; Ord. No. 631, § 12; Ord. No. 793, § 8, 9-15-70; Ord. No. 1174, § 7, 6-14-77.)

- § 8-21600. Purpose.
- § 8-21601. Principal permitted uses.
- § 8-21602. Accessory uses.
- § 8-21603. Conditional uses.
- § 8-21604. Conditional uses.
- § 8-21605. Conditional uses.
- § 8-21606. Conditional uses.
- § 8-21606.5. Interim conditional uses.
- § 8-21607. Height regulations.
- § 8-21608. Area and yard requirements.
- § 8-21609. Other required conditions.

Sec. 8-21600. Purpose.

To encourage sound industrial development in the city by providing and protecting an environment exclusively for such development, subject to regulations necessary to insure the purity of the air and waters in the Bay Area, and the protection of nearby residential, commercial, and industrial uses of the lands from hazards and from noise or other radiated disturbances. (Sec. 8-21600, Ord. 87.)

Sec. 8-21601. Principal permitted uses.

The following are the principal permitted uses in a G-I District:

- (a) Any research, wholesale, or storage use.
- (b) The retail sale of goods which are manufactured, processed or assembled (improved or developed to a higher use by machine or by hand) on the premises.
- (c) Railroad yards and freight stations, and trucking and motor freight stations.
- (d) Corporation yards, public utility buildings, and facilities for rental or sale of equipment commonly used by contractors.
- (e) Printing and lithographic shops, cabinet shops, electrical, plumbing and heating shops, taxidermy shops, bakeries (facilities which both bake and sell), creameries, soft drink bottling plants, welding shops, and furniture upholstery.
- (f) Building material sales operations.
- (g) Minor and major motor vehicle repair facilities, but not to include the separate retail sale of automotive parts.
- (h) Any manufacturing, processing, or assembling use which is not of the character of the uses otherwise listed in this article, provided that any proposed use may be required to comply with the performance standards procedure if it is considered likely, by the planning director or building inspector, that such use may violate the performance standards.
- (i) Agriculture, including agricultural nurseries. (Sec. 8-21601, Ord. 87; Sec. 8, Ord. 382; Sec. 1, Ord. 473; Ord. No. 945, § 4, 5-1-73; Ord. No. 949, § 3, 6-19-73; Ord. No. 977, § 10, 2-12-74.)

Sec. 8-21602. Accessory uses.

The following are the accessory uses permitted in a G-I District:

- (a) Signs complying with the applicable regulations set forth in Article 21 of this chapter.
- (b) Incidental services, such as eating places to serve employees, when conducted within an integral part of a main structure and without any exterior display or advertising signs.
- (c) Roadside stands complying with conditions set forth in section 8-22119 of this chapter.

(d) Other accessory uses and buildings customarily appurtenant to a permitted use. (Sec. 8-21602, Ord. 87; Sec. 19, Ord. 371; Sec. 3, Ord. 557; Ord. No. 758, § 27, 12-16-69; Ord. No. 945, § 5, 5-1-73; Ord. No. 977, § 11, 2-12-74; Ord. No. 1026, § 1, 1-21-75; Ord. No. 1174, § 8, 6-14-77; Ord. No. 1245, § 3, 4-4-78.)

Sec. 8-21603. Conditional uses.

The following uses are conditional uses permitted in a G-I District, subject to review in accordance with the performance standards procedure, and subject to a finding by the zoning administrator that such uses are not inconsistent with the purpose of this article and that such uses will not impair the present or potential use of adjacent properties:

- (a) Automobile and metal appliance manufacturing and assembly plants, structural steel fabricating shops, machine shops, forges, and foundries.
- (b) Breweries or distilleries of liquors; perfume or vinegar manufacturers.
- (c) Poultry dressing houses, fish or meat packing houses, but not other stockyards or other slaughterhouses. (Sec. 8-21603, Ord. 87; Ord. No. 793, § 9, 9-15-70.)

Sec. 8-21604. Conditional uses involving production of products from raw materials.

Any of the following manufacturing uses, involving primary production of the following products from raw materials, are conditional uses permitted in a G-I District subject to a finding by the zoning administrator that such uses are not inconsistent with the purpose of this article and that such uses will not impair the present or potential use of adjacent properties; and subject to review in accordance with the performance standards procedure; provided, that such uses are located not less than two thousand feet from the nearest R District or an A District designated for future residential development in the general plan:

- (a) Asphalt, cement, charcoal, and fuel briquettes.
- (b) Aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric, and sulphuric acids.
- (c) Coal, coke, and tar products, explosives, fertilizers, gelatin, animal glue and size.
- (d) Turpentine, matches, and paint.
- (e) Rubber or soaps, including fat rendering.
- (f) Flour mill.
- (g) The following processes: Nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting, and alloying of metal or metal ores; refining petroleum products such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones; storage, curing, or tanning of raw, green, or salted hides or skins.
- (h) Stockyards or slaughterhouses, except poultry; slag piles.
- (i) Storage of fireworks or explosives, except where incidental to a permitted use.

(j) Quarrying of materials to be used by a permitted use on the premises.

(k) Any other use not otherwise listed in this article, which is determined by the zoning administrator to be of the same general character as the above uses. (Sec. 8-21604, Ord. 87; Ord. No. 758, § 11, 9-15-70.)

Sec. 8-21605. Conditional uses subject to review and distance restriction when adjacent to R or A Districts.

The following are conditional uses permitted in a G-I District, subject to a finding by the zoning administrator that such uses are not inconsistent with the purpose of this article and that such uses will not impair the present or potential use of adjacent properties; and subject to review in accordance with the performance standards procedure, provided, that such uses are located not less than five hundred feet from the nearest R District or an A District designated for future residential development on the general plan, and provided, further, that all operations are conducted within a solid wall or tight board fence not less than eight feet high:

- (a) Automobile salvage and wrecking operations.
- (b) Industrial metal and waste rag, glass, and paper salvage operations.
- (c) Concrete batching plants. (Sec. 8-21605, Ord. 87; Ord. No. 758, § 12, 12-16-69; Ord. No. 949, § 3, 6-19-73.)

Sec. 8-21606. Conditional uses.

The following are conditional uses in a G-I District, subject to a finding by the zoning administrator that such uses are not inconsistent with the purpose of this article and that such uses will not impair the present or potential use of adjacent properties:

- (a) Public and quasi-public uses of an educational or recreational nature.
- (b) Animal hospitals and veterinary clinics.
- (c) Public or private auction yards.
- (d) Mobile and modular home sales facilities.
- (e) Truck stops designed to be used exclusively by truckers.
- (f) Warehouse facilities involving both wholesale and retail sales, including, but not limited to, such large items as furniture, floor and wall coverings and appliances, provided that such uses are conducted within a completely enclosed building.
- (g) Eating places, excluding drive-ins, if found by the zoning administrator, on the basis of information submitted, to be predominantly supported by employees of enterprises located in the immediate vicinity of the proposed use; provided, however, that as for conditional use permits involving the sale of alcoholic beverages for consumption on the premises, the commission shall be the reviewing agency. (Sec. 8-21606, Ord. 87; Sec. 2, Ord. 467; Sec. 2, Ord. 733; Ord. No. 758, § 13, 12-16-69; Ord. No. 949, § 3, 6-19-73; Ord. No. 1245, § 4, 4-4-78.)

Sec. 8-21606.5. Interim conditional uses.

The following are conditional uses in the G-I District of such an interim nature that their use, once implemented, shall be limited to three years of operation, with possible renewals of additional three-year periods.

- (a) Public stables and riding academies. (Ord. No. 945, § 6, 5-1-73.)

Sec. 8-21607. Height regulations.

There shall be no specific height limitation in the G-I District; provided, however, that within two hundred feet of any R District or an A District designated for future residential use in the general plan, no structure shall exceed either three stories or fifty feet in height; provided further, that before the construction of any structure which exceeds fifty feet in height is authorized, the zoning administrator must make a finding that any such excess height will not be detrimental to the light, air, or privacy of any other structure or use currently existing or anticipated. Hearings and appeals regarding such determinations shall be conducted pursuant to the procedure established in Article 25 of this chapter, to the extent applicable. (Sec. 8-21607, Ord. 87; Sec. 1, Ord. 548.)

Sec. 8-21608. Area and yard requirements.

The following minimum requirements shall be observed except where increased for conditional uses:

(a) *Lot area:* G-I-20, twenty thousand square feet; G-I-40, forty thousand square feet; G-I-120, one hundred twenty thousand square feet; G-I-X, as marked on zoning map.

(b) *Front yard:* Twenty-five feet, except that this may be reduced to fifteen feet when no portion of the space between the street right-of-way and the building front is used for on-site parking or vehicular circulation other than a driveway which provides access to a parking area in the side or rear yard.

(c) *Side yard:* Fifteen feet except when adjoining an R district or an A district designated for future residential use in the general plan, (unless separated by a public street), then not less than fifty feet.

Exception: If the parcel does not adjoin an R district or an A district designated for future residential use in the general plan and is 40,000 square feet or less in net lot area, then the fifteen foot setbacks may be eliminated subject to the condition that access, i. e., a yard corridor of not less than fifteen feet in width, is maintained on at least two adjoining faces of the building.

(d) *Rear yard:* None, except when adjoining an R district or an A district designated for future residential use in the general plan, then not less than fifty feet.

(e) *Use of yard areas:* The following uses only shall be made of yard areas, and then only if such uses are otherwise permissible pursuant to the provisions of this chapter:

- (1) *Landscaping:* All required yards adjacent to streets shall be landscaped, except for driveways and sidewalks which are found by the development organization to be necessary for the efficient use of the property. A landscaped strip of land, at least eight feet wide, shall be maintained along any property line where a G-I district abuts an R district or an A district designated for future residential use in the general plan. All landscaping shall be carried out in accordance with the landscaping plan approved by the development organization, and such landscaping shall be installed in such a manner as to prevent the viewing of outdoor storage and parking and loading areas from contiguous residential properties insofar as is practicable.
- (2) *Driveways.*
- (3) *Sidewalks.*

- (4) **Parking and loading:** Parking and loading shall not be allowed in the space between the public right-of-way and the building front except when a landscaped area of not less than eight feet shall be provided along with an earthen berm, solid masonry wall, landscape element, or combination thereof, which effectively screens such parking or loading areas to a height generally four feet above curb grade. Parking and loading areas shall be designed so that parking and loading maneuvers will not unduly interfere with traffic on the street or with parking and loading maneuvers required for access to adjacent properties.
- (5) **Exterior storage:** Exterior storage of raw or primary materials, waste products and construction materials shall be prohibited in that area of the property between the front of the principal building, or buildings, and the public street on which the principal building, or buildings, fronts. Any such exterior storage elsewhere on the property, or storage uses of a principally permitted nature, shall be screened by fencing or landscaping treatment in such a manner that it shall not be visible from any contiguous public street, freeway, or public land within five hundred feet of such storage; the adequacy and appropriateness of such screening shall be determined by the development organization. (Sec. 8-21608, Ord. 87; Sec. 1, Ord. 578; Ord. No. 793, § 14, 9-15-70; Ord. No. 868, § 1, 10-12-71.)

Sec. 8-21609. Other required conditions.

The following additional conditions shall apply in a G-I District:

- (a) All uses except agriculture shall be subject to initial and continued compliance with the performance standards set forth herein.
- (b) Site plan and architectural approval are required for all uses except roadside stands.
- (c) In any G-I District directly across a street or thoroughfare from an R District or A District designated for future residential use in the general plan, the parking and loading facilities shall be distant at least twenty feet from the street, and the buildings and structures at least fifty feet from the street; provided, however, that this requirement shall not apply when the street or thoroughfare is provided on one or both sides with a service road developed in accordance with the provisions of the subdivision chapter.
- (d) Wherever practicable, loading docks shall be located so that they do not face the public street. The visual impact of loading docks which are visible from the public street shall be minimized by one or more of the following methods:
 - (1) Recession behind the line of the front building facade.
 - (2) Depression.
 - (3) Installation of a fence, wall, berm or suitable landscaping. (Sec. 8-21609, Ord. 87; Sec. 1, Ord. 272; Sec. 1, Ord. 472; Ord. No. 973, § 15, 9-15-70; Ord. No. 977, § 12, 2-12-74; Ord. No. 1174, § 9, 6-14-77.)

ARTICLE 17. A-F AGRICULTURE FLOOD PLAIN
DISTRICT.

- § 8-21700. Purpose.
- § 8-21701. Principal permitted uses.
- § 8-21702. Accessory uses.
- § 8-21703. Conditional uses.
- § 8-21704 Height regulations.
- § 8-21705. Area, lot width, and yard requirements.
- § 8-21706. Other required conditions.

Sec. 8-21700. Purpose.

To protect persons and property from the hazards of development in areas subject to tidal or flood water inundation, and to protect the community from the costs which may be incurred when unsuitable development occurs in such areas. To allow agricultural, recreational, and certain industrial uses which may appropriately be located in a flood plain. (Sec. 8-21700, Ord. 87.)

Sec. 8-21701. Principal permitted uses.

The following are the principal permitted uses in an A-F District:

(a) Agricultural, including agricultural nurseries, except when in an A-F District designated for future residential use in the general plan, in which event the following agricultural uses, to-wit: Dairying and animal and poultry husbandry, shall be conditional uses.

(b) Ranch and farm dwellings appurtenant to a principal agricultural use, but not including labor camps or dwellings for transient labor.

(c) Public parks and recreation areas.

(d) Commercial stables, riding academies or private non-commercial, recreational stables except when located in an A-F District designated for future residential use in the general plan, in which event said principal permitted uses shall be conditional uses, the zoning administrator being the reviewing agency.

(e) Extraction of chemicals from sea water by natural evaporation.

(f) Guest ranches except when located in an A-F District designated for future residential use in the general plan, in which event said principal permitted use shall be a conditional use. (Sec. 8-21701, Ord. 87, as amended by Ord. 103; Ord. No. 977, § 13, 2-12-74; Ord. No. 1115, § 8, 10-12-76.)

Sec. 8-21702. Accessory uses.

The following are the accessory uses permitted in an A-F District:

(a) Dwellings of persons regularly employed on the premises for agricultural or domestic duties; but not including labor camps and labor dwellings, accommodations or areas for labor.

(b) Offices incidental and necessary to the conduct of a permitted use.

(c) Private garages and other structures for the garaging of equipment, parking areas and stables.

(d) Roadside stands complying with conditions set forth in section 8-22119 of this chapter.

(e) Signs complying with the applicable regulations set forth in Article 21 of this chapter.

(f) Other accessory uses and buildings appurtenant to a permitted use. (Sec. 8-21702, Ord. 87; Sec. 4, Ord. 627; Ord. No. 758, § 22, 12-16-69; Ord. No. 871, § 16, 10-26-71; Ord. No. 954, § 2, 8-14-73; Ord. No. 1026, § 1, 1-21-75; Ord. No. 1086, § 14, 1-20-76; Ord. No. 1174, § 10, 6-14-77; Ord. No. 1244, § 4, 3-28-78.)

Sec. 8-21703. Conditional uses.

The following are conditional uses in an A-F District:

(a) Private noncommercial recreation areas, uses and facilities including shooting clubs and facilities, and yacht clubs and facilities.

(b) Kennels.

(c) Commercial animal feed and sales yards, commercial agricultural processing plants and fertilizer plants and yards.

(d) Quarters, accommodations or areas for labor, such as labor cabins or camps.

(e) Outdoor theatres, golf driving ranges, commercial swimming pools, and other similar commercial recreation facilities; not including such facilities in which the principal use is enclosed in a building, such as bowling alleys.

(f) Private airports and landing strips.

(g) Corporation yards and salvage yards; provided, that these are enclosed on all sides by a solid fence or wall not less than eight feet high; petroleum or flammable liquids storage; provided further, that any of the foregoing uses shall be permitted only on premises which are both adjoining and within one thousand feet of a railroad or a thoroughfare as defined herein.

(h) Public dumps.

(i) Any other use which the commission finds not to be inconsistent with the purpose of this article, and will not impair the present or potential use of adjacent properties.

(j) Drive-in theatres, except at locations designated for future residential use or development in the general plan.

(k) Commercial nurseries, in which the sale of products not grown on the premises but associated with the care and maintenance of plants shall occur only in a roadside stand of a size required to be not less than four hundred square feet and not more than two thousand square feet, based on a ratio of one square foot of building area to five hundred square feet of net lot area.

(l) Home occupations, the zoning administrator being the granting authority. (Sec. 8-21704, Ord. 87; Sec. 2, Ord. 346; Sec. 9, Ord. 382; Sec. 4, Ord. 734; Ord. No. 977, § 14, 2-12-74; Ord. No. 1086, § 14, 1-20-76; Ord. No. 1244, § 5, 3-28-78.)

Sec. 8-21704. Height regulations.

No structure shall exceed either two and one-half stories or thirty feet in height. (Sec. 8-21704, Ord. 87.)

Sec. 8-21705. Area, lot width and yard requirements.

The following minimum requirements shall be observed, except for greenhouses, lands under land conservation contract, and where increased for conditional uses:

(a) *Lot size:* Five acres.

(b) *Lot width:* Three hundred feet.

(c) *Front yard:* Fifty feet.

(d) *Side yards:* Each side fifty feet.

(e) *Rear yard:* Fifty feet.

Greenhouses:

(a) *Lot size:* Five acres.

(b) *Lot width:* Three hundred feet.

(c) *Front yard:* Twenty-five feet.

- (d) *Side yards*: Ten feet.
- (e) *Rear yard*: Twenty-five feet.

Land subject to land conservation contract.

- (a) *Lot size*: Ten acres prime land; twenty acres nonprime land.
- (b) *Lot width*: Three hundred feet.
- (c) *Front yard*: Fifty feet (except greenhouses, then twenty-five feet).
- (d) *Side yards*: Each side fifty feet (except greenhouses, then ten feet).
- (e) *Rear yard*: Fifty feet (except greenhouses, then twenty-five feet).

Greenhouses which existed on December 31, 1977, need only comply with the front, side and rear yard dimensions on the lots on which they are situated as they existed on said date, provided that they comply with subsection (d) of section 8-21706. (Sec. 8-21705, Ord. 87; Ord. No. 1244, § 6, 3-28-78.)

Sec. 8-21706. Other required conditions.

The following additional conditions shall apply in an A-F District:

(a) Site plan and architectural approval is required of all conditional uses except home occupations.

(b) Any structure or enclosure, not including pastures, in which livestock (except domestic pets in household numbers, or animals kept with a permit pursuant to Title III, Chapter 5 of this Code) is contained shall be not less than two hundred feet from any residential or commercial district, or from any school or institution for human care.

(c) The minimum lot area per dwelling unit shall be not less than two and one-half acres.

(d) The following minimum standards shall apply to greenhouses:

- (1) *Noise*. The maximum noise level at the property line resulting from fans or equipment shall not exceed forty-five CNEL.
- (2) *Glare*. No direct or sky-reflected glare from any light source emanating from a greenhouse shall exceed 0.1 footcandle.
- (3) *Flammable, explosive or potentially harmful chemicals*. All activities involving and all storage of flammable, explosive materials or potentially harmful chemicals shall be subject to approval by the fire marshal.
- (4) *Drainage/runoff*. An on-site drainage system shall be provided to keep runoff from greenhouse operations from adjacent properties. (Sec. 21706, Ord. 87; Ord. No. 1086, § 15, 1-20-76; Ord. No. 1115, § 9, 10-12-76; Ord. No. 1244, § 7, 3-28-78.)

- § 8-21710. Purposes.
- § 8-21710.5. Land constraints.
- § 8-21711. Principal permitted uses.
- § 8-21712. Accessory uses.
- § 8-21713. Conditional uses.
- § 8-21714. Height regulations.
- § 8-21715. Area, lot width and yard requirements.
- § 8-21715.1. Reserved.
- § 8-21715.2. Nonconforming lots.
- § 8-21716. Permissible dwelling units per lot.
- § 8-21716.1. Lots within O-S and other districts; special provision.
- § 8-21717. Performance standards.
- § 8-21718. Application submittals.
- § 8-21718.5. Precedence of data.
- § 8-21719. Conditional use permit approval.
- § 8-21720. Planned unit development.
- § 8-21721. Hillside Combining District (H-I).

Sec. 8-21710. Purposes.

The purposes of the O-S Open Space District and all territorial open space districts are the following: To preserve and enhance the use of open space lands as a limited and valuable resource; to permit limited but reasonable use of open space lands while protecting the public health, safety and welfare from the dangers of seismic hazards and unstable soils; to insure the continued availability of land in agricultural production and in its natural or near natural state; to preserve the topography of the city that shapes it and gives it its identity; to coordinate with and carry out regional, county, and city open space plans. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21710.5. Land constraints.

Within the O-S district there may be lands on which development capability is limited because of conditions detrimental to the public health, safety and welfare. Due to such conditions, the following restrictions shall apply to land in an O-S district:

(a) No building, private street or driveway, shall be constructed in an area identified by the general plan, or any element thereof, or by an on-site soils and geologic investigation as having any of the following characteristics:

- (1) Severe soil instability.
- (2) Class VII or VIII soils as classified by the Soil Conservation Service of the United States Department of Agriculture.
- (3) Groundwater conditions that may affect or be affected adversely by such construction.

(b) No building, private street or driveway shall be constructed on land determined to be a landslide or on land in the path of a landslide, as identified by an on-site soils and geologic investigation or by any United States Geological Survey.

(c) No building, private street or driveway shall be constructed on land having slopes in excess of thirty percent; provided, however, that minor encroachments of the facility onto slopes in excess of thirty percent may be permitted where the director of planning finds and determines that the proposed encroachment will not conflict with the purposes and intent of this article.

(d) No lot may be subdivided into less than twenty acres in the hill area, as established by section 8-21872 of Article 18.7, "Restricted Development" Overlay District, until such time as adequate road access has been provided that conforms to city-adopted standards and until such time as suitable public sanitary and gravity served water facilities by a public owned system are available to serve the area. No private

pumping system attached to a public facility shall be construed as meeting the requirement for public sanitary or water service. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21711. Principal permitted uses.

The following are the principal permitted uses in an O-S district:

- (a) Agriculture.
- (b) Public parks.
- (c) Extraction of chemicals from sea water by natural evaporation.
- (d) Wildlife refuges.

(e) Single-family dwellings to be constructed at ten feet mean sea level or above, on a slope less than thirty percent, and more than two hundred feet from the high watermark of a perennial or intermittent stream and on lots one acre or larger; provided, however, that the construction of such dwellings shall be subject to site plan and architectural approval for conformance with the performance standards set forth in this article. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21712. Accessory uses.

(a) The following are the accessory uses permitted in an O-S district, where no conditional use permit has been granted:

- (1) Dwellings of persons regularly employed on the premises for farming or domestic duties, where the principal use is agriculture, but not including labor camps and labor dwellings, accommodations, or areas, for transient labor.
- (2) Private garages and other structures for the storage of equipment, parking areas and private stables.
- (3) Roadside stands complying with conditions set forth in section 8-22119 of this chapter.
- (4) Signs complying with the applicable regulations set forth in Article 21 of this chapter.
- (5) One guesthouse, not rented or otherwise conducted as a business; or one single-family dwelling occupied by close family members related to the occupants of a principal permitted dwelling. For purposes hereof, "close family members" are parents, children, brothers or sisters, and persons residing therewith as a family.
- (6) Other accessory uses and buildings customarily appurtenant to a permitted use.

(b) The following are the accessory uses permitted in an O-S district where a conditional use permit has been granted:

- (1) Home occupations and professional offices in the home.
- (2) Private garages and parking area.
- (3) Signs complying with the applicable regulations set forth in Article 21 of this chapter.
- (4) On lots of one acre or more, guesthouses not containing cooking facilities and not rented or otherwise conducted as a business.
- (5) Other accessory uses and buildings customarily appurtenant to a permitted use. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1026, § 1, 1-21-75; Ord. No. 1174, § 11, 6-14-77; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21713. Conditional uses.

The following are conditional uses in an O-S district:

(a) Outdoor recreational uses, including golf courses, driving ranges, marinas, and other similar commercial recreational facilities, but not including drive-in movie theaters, or any facility where the principal use is enclosed in a building. Incidental to such open space recreational uses, there may also be permitted restaurants and other commercial facilities.

(b) Kennels.

(c) Commercial, private noncommercial recreational stables and riding academies, except those permitted pursuant to Title III, Chapter 5 of this Code, the zoning administrator being the granting authority.

(d) Natural resource mining.

(e) Cemeteries, crematories, mausoleums and columbariums.

(f) Quarters, accommodations or areas for transient labor, such as labor cabins or camps, where incidental to a principal permitted agricultural use.

(g) Hunting preserves.

(h) Public structures and uses.

(i) Nurseries at which sales are limited to horticultural matter grown on the premises.

(j) Single-family dwellings to be constructed within two hundred feet of the high watermark of a perennial or intermittent stream.

(k) Single-family dwellings on lots less than one acre in size and two-family and multiple dwellings on lots of less than ten acres in size, where residential development is not restricted by constraints, as specified in section 8-21710.5, and outside of areas designated in the conservation and open space elements of the general plan, or both, as prime agricultural land, subject to the following conditions and limitations:

(1) Those portions of the area not to be devoted to residential use are made subject to an open space easement, scenic restriction, or other device guaranteeing that such portions shall remain undeveloped; and

(2) The residential density of any such area to be developed does not exceed one dwelling unit per gross acre; provided, however, that when two or more unconstrained areas each containing a minimum of one-half acre, are located on a parcel and are geographically separated from each other, all of the density otherwise available in all of such areas may be allocated to one of the areas, as long as the density of all such unconstrained areas combined does not exceed one dwelling unit per gross acre. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1115, § 10, 10-12-76; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21714. Height regulations.

No structure shall exceed either two and one-half stories or thirty feet in height. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21715. Area, lot width and yard requirements.

The following minimum requirements shall be observed, except where modified by conditional use permit approval, or where a smaller lot area is permitted pursuant to section 8-21715.2:

(a) Lot area:

(1) Ten acres: When designated as prime agricultural land by the conservation or open space element of the general plan or both.

(2) Twenty acres: Nonprime agricultural lands.

(3) Under ten acres: In those areas where residential development is not restricted by constraints, as specified in section 8-21710.5, and the commission grants approval of a conditional use permit pursuant to section 8-21713(k). Minimum lot areas shall be as specified in the conditional use permit.

(4) One acre: For single-family dwelling to be constructed at ten feet mean sea level or above, and more than two hundred feet from the high watermark of a perennial or intermittent stream and where residential development is not restricted by constraints, as specified in section 8-21710.5.

(b) Lot width:

(1) Lots ten acres and larger: Three hundred feet.

(2) Lots under ten acres: The same as the zoning district most nearly equivalent in lot size, or as specified by a conditional use permit.

(c) Front yard:

(1) Lots ten acres and larger: Fifty feet.

(2) Lots under ten acres: The same as the zoning district most nearly equivalent in lot size, or as specified by a conditional use permit.

(d) Side yards:

(1) Lots ten acres and larger: Each side fifty feet.

(2) Lots under ten acres: The same as the zoning district most nearly equivalent in lot size, or as specified by a conditional use permit.

(e) Rear yard:

(1) Lots ten acres and larger: Fifty feet.

(2) Lots under ten acres: The same as the zoning district most nearly equivalent in lot size, or as specified by a conditional use permit. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21715.1. Reserved.

Sec. 8-21715.2. Nonconforming lots.

Where a lot existed as of October 3, 1978, and is not restricted by constraints as specified in section 8-21710.5, or as shown by detailed geological and soils studies, and where the area of such lot on said date was not less than four thousand square feet and not more than one acre, the commission may approve a conditional use permit authorizing the use of the lot for one single-family dwelling, if the commission finds that such use is consistent with the performance standards set forth in this article, and that the construction of such dwelling at the location proposed would not be hazardous to the safety of the occupants thereof. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1099, § 10, 5-25-76; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21716. Permissible dwelling units per lot.

The maximum number of principal and accessory dwelling units which may be built upon a lot in an O-S district shall be:

(a) In areas designated for lots with a minimum lot size of twenty acres, one principal dwelling unit and one accessory dwelling unit.

(b) In areas designated for lots with a minimum lot size of one acre, one principal dwelling unit, and one accessory dwelling unit.

(c) Where the area of the lot is less than one acre, and residential development is permitted pursuant to section 8-21715.2, one dwelling unit. No accessory dwelling units shall be permitted. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1099, § 11, 5-25-76; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21716.1. Lots within O-S and other districts; special provision.

(a) As used herein, "transferable dwelling units" shall mean dwelling units which could be built on a lot in an O-S district under a conditional use permit.

(b) Where a lot is situated so that it is partially within an O-S district and partially within another district which is designated for residential uses in the general plan, a number of dwelling units equivalent to or less than the number of transferable dwelling units may be built upon the portion of the lot within such other district, in addition to those otherwise permitted, provided that:

- (1) The portion of the lot not situated within the O-S district is developed under a planned district; and
- (2) The portion of the lot within the O-S district upon which such transferable dwelling units could have been built is made subject to an open space easement, scenic restriction, or other device guaranteeing that such portion shall remain undeveloped. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21717. Performance standards.

(a) No dwelling, or other structure exceeding four hundred square feet in floor area, shall be constructed until plans for development of the lot have been approved by the site plan and architectural approval agency, or in the case of a use subject to a conditional use permit, by the commission, and such body shall have made a finding that such development will be consistent with the following standards:

- (1) The impervious coverage shall not exceed seven and five-tenths percent of the area of each lot or lots except where increased or otherwise amended pursuant to a conditional use permit. "Impervious coverage" shall mean the areas of the lot or lots covered by buildings, structures, paving and other nonpermeable surfacing.
- (2) Natural vegetation shall be retained and protected to the maximum extent feasible.
- (3) Permanent vegetation and improvements capable of carrying storm water runoff in a safe manner shall be installed to the extent possible before the vegetated cover is removed from the area. Permanent vegetation shall be retained to the maximum extent feasible. Retention and protection of natural vegetation shall be indicated in a landscape plan submitted to the site plan and architectural approval agency.
- (4) Sediment basins (including debris basins, desilting

basins and silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.

- (5) Construction of dwellings for which conditional use permits are required shall only be permitted if the proposed dwelling units shall be servable by public sewers, public water, city fire and police services, and acceptable access facilities.
- (6) No building shall be constructed on top of a ridgeline where the commission finds that such construction will interfere with the silhouette of the hills. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1099, § 12, 5-25-76; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21718. Application submittals.

Any application requiring site plan and architectural approval or conditional use permit approval, as required by this article, shall be subject to the following submittal requirements in addition to other submittal requirements of this chapter:

(a) A contour map conforming with the requirements of section 8-4104(c) of this Code.

(b) A slope classification map, prepared and endorsed by a registered civil engineer or licensed land surveyor showing in differential legends or symbols or contrast as to colors:

- (1) All land which has a slope of less than fifteen percent;
- (2) That land which has a slope of greater than fifteen percent but not more than thirty percent;
- (3) That land which has a slope of greater than thirty percent but not greater than forty percent;
- (4) That land which has a slope greater than forty percent.

(c) If deemed necessary by the director of planning, written reports and other information conforming with the requirements of sections 8-4104 and 8-4105 of this Code. The site plan and architectural approval agency, or granting authority in case of a conditional use permit, shall review the report and other information to determine whether development is restricted pursuant to section 8-21710.5. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21718.5. Precedence of data.

Where an on-site soils and geologic survey has been prepared in conformance with section 8-21718, the data derived from such survey as to the existence, character and location of slopes, landslides, seismic hazards and soil conditions shall take precedence over the data included in the general plan or any element thereof, or of the findings of the United States Geological Survey, or the findings of the Soil Conservation Service of the United States Department of Agriculture, for purposes of section 8-21710.5. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21719. Conditional use permit approval.

(a) The commission may approve issuance of a conditional use permit as required in this article only after finding that the establishment, maintenance and operation of the proposed use is in conformance with the general plan and with the performance standards set forth in this article.

(b) The commission may impose such requirements and conditions on the approval of a conditional use permit as may be necessary for the protection of adjacent properties and the public interest as to location, design and architectural treatment, siting, maintenance, landscaping and operation of the use, in order to carry out the purposes of the open space dis-

trict and the open space performance standards herein. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21720. Planned unit development.

No planned unit development permit shall be granted for any area within an open space district. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1277, § 1, 10-3-78.)

Sec. 8-21721. Hillside Combining District (H-I).

When an area is included within an open space district, it shall automatically be excluded from the (H-I) combining district. (Ord. No. 968, § 3, 12-18-73; Ord. No. 1277, § 1, 10-3-78.)

- § 8-21730. Purpose.
- § 8-21731. Principal permitted uses.
- § 8-21732. Accessory uses.
- § 8-21733. Conditional uses.
- § 8-21734. Height regulations.
- § 8-21735. Area, lot width, and yard requirements.
- § 8-21736. Standards of development.
- § 8-21737. Approval authority of chief building official.
- § 8-21738. Other required conditions.
- § 8-21739. Disclaimer.

Sec. 8-21730. Purpose.

The purpose of the F-4 Floodway District is to provide land use and structural regulations to be applied on a uniform basis so as to prevent encroachment of flood waters from lots within designated floodways onto adjacent properties, and thereby to prevent undue increase in flood heights, to avoid loss of life and property, and to safeguard the health, safety, and general welfare of the people.

Areas defined as floodways are along those rivers, streams, or drainage courses which are subject to flooding designated on a map entitled, "Special Flood Hazard Areas for the City of Fremont," prepared by the United States Department of Housing and Urban Development. (Ord. No. 1065, § 4, 9-9-75.)

Sec. 8-21731. Principal permitted uses.

The following are the principal permitted uses in the F-W District:

- (a) Agriculture, but not including the packing, processing, or treatment of produce.
- (b) Agricultural nurseries.
- (c) Outdoor public or private recreational facilities, including but not limited to parks, golf courses, athletic fields and picnic areas.
- (d) Riding academies and public stables. (Ord. No. 1065, § 4, 9-9-75.)

Sec. 8-21732. Accessory uses.

The following are the accessory uses permitted in an F-W District:

- (a) Roadside stands complying with conditions set forth in section 8-22119 of this chapter.
- (b) Loading and unloading areas and parking areas for uses located in an adjoining zoning district and those uses permitted in the F-W District.
- (c) Sale of food and refreshments from trailers or vehicles necessary to the conduct of a permitted use. Such equipment shall not be permanently stored on the premises.
- (d) Other accessory uses customarily appurtenant to a principal use.
- (e) Signs complying with the applicable regulations set forth in Article 21 of this chapter. (Ord. No. 1065, § 4, 9-9-75; Ord. No. 1174, § 12, 6-14-77.)

Sec. 8-21733. Conditional uses.

The following are conditional uses in an F-W District:

- (a) Any other use not otherwise listed in this article which does not require the construction of permanent structures and which the commission finds not to be inconsistent with the purpose of this article. (Ord. No. 1055, § 4, 9-9-75.)

Sec. 8-21734. Height regulations.

No building or structure shall exceed fifteen feet in height. (Ord. No. 1065, § 4, 9-9-75.)

Sec. 8-21735. Lot, lot width, and yard requirements.

The following minimum requirements shall be observed, except for parking areas when used as an accessory use for a use in an adjoining district.

- (a) Lot area: Five acres.
 - (b) Lot widths: Three hundred feet.
 - (c) Front yard: Fifty feet.
 - (d) Side yards: Fifty feet, each side.
 - (e) Rear yard: Fifty feet.
- (Ord. No. 1065, § 4, 9-9-75.)

Sec. 8-21736. Standards of development.

The following standards of development shall be maintained to further the purpose of this article in preventing the encroachment of floodwaters from lots in designated floodways onto adjacent properties and in preventing undue increase in flood heights and danger to life and property within the district:

- (a) Any structure or use permitted shall be of a type not appreciably damaged by floodwaters; provided, that no structures for human habitation shall be permitted.
- (b) No fill shall be permitted.
- (c) On developed lots the percentage of a lot occupied by the main structure at the time of the adoption of this article shall not be increased.
- (d) Any structure permitted shall be floodproof and constructed and placed on the lot so as to offer the minimum obstruction to the flow of water, such as by placement of the structure with open ends parallel to the flow of water, rather than at right angles to such flow.
- (e) Any structure permitted shall be firmly anchored to the ground surface to prevent the structure from floating away and from threatening to further restrict bridge openings and other restricted sections of the channel or open area.
- (f) Where, in the opinion of the development organization, topographic data, engineering studies, or other studies are needed to determine the effects of flooding on a proposed structure or the effect of the structure on the floodway, it may require the person who applies for approval to develop land in an F-W District to submit such data or studies or both, prepared by a registered civil engineer.
- (g) All electrical equipment, circuits, and appliances shall be located in such a manner which will assure their protection from floodwaters.
- (h) Water supply and waste treatment systems shall be designed to prevent the entrance of floodwaters.
- (i) Any fence constructed shall be designed to permit the free flow of water and shall not cause debris to accumulate. (Ord. No. 1065, § 4, 9-9-75.)

Sec. 8-21737. Approval authority of chief building official.

No building permit shall be issued and no development or-

ganization approval shall be made authorizing development of land in an F-W District unless the chief building official determines that the standards of development set forth in section 8-21736 are being met and shall so indicate either on a building permit or prior to approval by the development organization. (Ord. No. 1065, § 4, 9-9-75.)

Sec. 8-21738. Other required conditions.

(a) Site plan and architectural approval are required for any permitted use, accessory use, or conditional use, except for agriculture or roadside stands. (Ord. No. 1065, § 4, 9-9-75; Ord. No. 1174, § 13, 6-14-77.)

Sec. 8-21739. Disclaimer.

(a) The granting of any permit or approval shall not constitute a representation, guarantee, or warranty of any kind or nature of the city or any officer or employee thereof of or as to the practicability or safety of any structure or other plan approved. (Ord. No. 1065, § 4, 9-9-75.)

- § 8-21800. Purpose.
- § 8-21801. Principal permitted uses.
- § 8-21802. Conditional uses.
- § 8-21803. Height regulations.
- § 8-21804. Area, lot coverage, and yard requirements.
- § 8-21805. Other required conditions.

Sec. 8-21805. Other required conditions.

Site plan and architectural approval are required for all uses except agriculture. (Ord. No. 87, § 8-21805; Ord. No. 590, § 2.)

Sec. 8-21800. Purpose.

To permit temporary control of the development in an area while detailed studies are being made. It is recognized that on the effective date of adoption of this chapter detailed studies, plans, and precise zoning lines will not be completed for all areas of the city. Such temporary control shall be exercised to prevent any changes in the use of land which may be inconsistent with the plan and precise zoning being formulated. In order that the city may exercise temporary control in areas while problems of planning the development of such areas are being studied, the S District may be applied. (Sec. 8-21800, Ord. 87.)

Sec. 8-21801. Principal permitted uses.

The following are the principal permitted uses in which an S district:

- (a) Agriculture, except the raising of animals or fowl for commercial purposes.
- (b) Any change of an existing use which changed use is generally designated by the general plan, provided that the changed use meets the following criteria:
 - (1) Alteration of the premises will not exceed one thousand dollars in value.
 - (2) The chief building inspector can make the following findings:
 - a. That any alteration of the premises will not exceed one thousand dollars in value.
 - b. That the proposed change use is of the same or of a more restrictive nature than the existing use.
 - c. No additional traffic or parking problems will result from the changed use.
 - d. All signs meet the requirements of the applicable district regulations (including any existing signs). (Ord. No. 87, § 8-21801; Ord. No. 590, § 1.)

Sec. 8-21802. Conditional uses.

The following are conditional uses in an S district:

- (a) Any use permitted by this chapter in the district as generally designated by the general plan. (Ord. No. 87, § 8-21802.)

Sec. 8-21803. Height regulations.

No building or structure shall exceed the height regulations prescribed by this chapter for the district generally designated by the general plan. (Ord. No. 87, § 8-21803.)

Sec. 8-21804. Area, lot coverage, and yard requirements.

Minimum requirements shall be as specified by this chapter for the district generally designated by the General Plan. (Sec. 8-21804, Ord. 87.)

- § 8-21810. Purpose.
- § 8-21811. Standards and requirements for P districts.
- § 8-21812. Procedure and applications.
- § 8-21813. Findings required.
- § 8-21814. Planning commission and city council action.
- § 8-21815. Amendments to certain special conditions in certain P districts.

Sec. 8-21820. Purpose.

To encourage and provide a means for effectuating desirable development, redevelopment, rehabilitation and conservation in the city, which features variations in siting, mixed land uses and/or varied dwelling types. The amenities and compatibility of P districts is to be insured through adoption of a precise site plan, showing proper orientation, desirable design character and compatible land uses. (Ord. No. 391, § 1; Ord. No. 886, § 1, 3-21-72; Ord. No. 1318, § 1, 4-3-79.)

Sec. 8-21811. Standards and requirements for P districts.

The following provisions shall apply in a P district, which district shall also be subject to other provisions of this chapter, except that where conflict in regulation occurs, the regulations specified in this article or on a site plan approved pursuant to this article, shall apply:

- (a) P districts may be established on parcels of land which are suitable for, and of sufficient size, to be planned and developed in a manner consistent with the purposes of this article and the objectives of this chapter. No P district shall include less than four acres of contiguous land unless the application is for a microcommercial center or the commission and city council find that property of less than four acres is suitable as a P district by virtue of its relationship to adjacent parcels and their development plan (existing or proposed), unique historical character, topography or landscaping features, or by virtue of its qualifying as an isolated problem area.
- (b) No ordinance establishing a P district shall be adopted unless and until there is on file with the city, written consent of every property owner within such district at the time of adoption of the ordinance agreeing:
 - (1) That the applicant shall be bound by the conditions and regulations proposed and which will be effective within the district; and
 - (2) To record such written agreement with the county recorder.
- (c) Before detailed studies of any P district development plans shall be undertaken by the planning staff or the commission, there shall be on file with the city the tentative written consent of all property owners within the proposed district that such detailed studies be made.
- (d) Standards for area, coverage, density, yard requirements, parking and screening for P district uses shall be governed by the standards of the residential, commercial or industrial zoning district(s) most similar in nature and function to the proposed P district use(s), as determined by applicable ordinances and laws of the city. Exceptions to these standards by the planning commission and the city council are possible when these bodies find that such exceptions encourage a desirable living environment and are

warranted in terms of the total proposed development or unit thereof.

- (e) P district zoning may be initiated by the city council, planning commission or director of planning notwithstanding the requirements of sections 8-21811(b) and 8-21813, provided that the area to be zoned meets the purpose of a planned district as set forth in section 8-21810 above, and the standards and requirements of section 8-21811(a) of this article. Written notification to property owner(s) of city intent to rezone property to P district shall be required prior to planning commission hearing on the rezoning action. P district zoning initiated by the city shall not require that the city provide preliminary or precise site plans at the time of rezoning action.

Any development proposed in an area zoned P pursuant to this subsection shall be initiated by the owner(s) of the property, and shall be subject to all of the requirements set forth in this article.

The following interim principal permitted uses shall be allowed prior to adoption of a precise site plan for P districts initiated pursuant to this subsection:

- (1) Agricultural nurseries, but excluding dairying and animal and poultry husbandry where the P district is designated on the general plan for future residential or commercial uses; and excluding the packing, processing or treating of agricultural products on the premises.
- (2) On single-family dwelling where the P district is designated for future residential uses on the general plan.
- (3) Private garages and other structures appurtenant to a principal agricultural use as defined in section 8-21811(a) above.
- (4) Roadside stands complying with conditions set forth in section 8-22119 of this chapter.
- (5) Signs complying with the applicable regulations set forth in Article 21 of this chapter.
- (f) Findings required for city-initiated P district. When a P district is initiated pursuant to section 8-21811(e), the planning commission, after public hearing, may recommend the establishment of such P district, and the city council, after public hearing, may by ordinance establish a P district provided they find that the facts presented at the hearings establish that:
 - (1) The property is designated as activity corridor, transportation center, gateway feature, or project design open space, or any other relatively unique general plan designation, and that because of the need for specific design to achieve the objectives of such special general plan designation, the property can best be developed as a P district; or
 - (2) The uniqueness of the size, shape, topography of the subject property or its relationship to adjacent parcels, historical character or landscaping features is such that the property can best be developed as a P district. (Ord. No. 391, § 1; Ord. No. 498, § 1; Ord. No. 886, § 1, 3-21-72; Ord. No. 1318, § 1, 4-3-79.)

Sec. 8-21812. Procedure and applications.

(a) *Preliminary site plan approval.* Prior to the filing of a formal P district rezoning application, the applicant shall submit a preliminary site plan for an approval in principle thereof by the commission and the city council. The preliminary site plan and text shall normally be prepared and endorsed by a qualified urban planner and shall include the following information presented in a general, schematic fashion:

- (1) Proposed land uses, population densities and building intensities;
- (2) Proposed circulation pattern, indicating both public and private streets;
- (3) Proposed parks, playgrounds, school sites and other open spaces;
- (4) A market analysis of proposed commercial uses, if the property is not zoned for commercial purposes at the time of submittal of the preliminary site plan;
- (5) Delineation of the units to be constructed in progression, if any; and
- (6) Relation to future land use in surrounding area and general plan.

In cases where the proposed P district is less than fifteen acres in area and does not involve a mixture of uses such as residential and commercial, the requirement for an urban planner shall be waived for both the preliminary site plan and precise site plan.

A public hearing shall be held by the commission and the city council, and all other pertinent procedural requirements as set forth in Article 31 of this chapter shall be complied with. Approval in principle of the preliminary site plan shall be limited to the general acceptability of the land uses proposed and their interrelationship, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility, and such approval shall not be construed as or deemed to be in any form or sense a commitment by the city to approve any subsequent formal rezoning application.

(b) *Precise site plan and schedule approval.* Together with the application for rezoning classification, the applicant shall submit the following documents and supporting evidence, prepared and endorsed by a qualified professional team, which shall normally include an urban planner, licensed architect, licensed land surveyor, registered civil engineer and registered landscape architect:

- (1) A sepia map with ten prints of a survey of the property, in accord with section 301(e) of the Fremont building code, or any modification thereof, showing existing features of the property, including specimen trees, structures, streets, easements, utility lines and land use;
- (2) A sepia map with prints as required by the community development director of a precise site plan which shall be in conformance with the approved preliminary site plan, showing, as appropriate, all the information required on the preliminary site plan; the approximate location and proposed density of dwelling units; nonresidential building intensity; and land use considered suitable for adjacent properties;
- (3) A schedule for the development of units to be constructed in progression and a description of the

design principles for buildings and streetscapes; tabulation of total number of acres in the proposed project and the percent thereof designated for various uses; the number of dwelling units proposed by type of dwelling for each unit of the P district; estimated residential population by type of dwelling for each unit of the P district; estimated nonresidential population; proposed retail sales area and economic justification; anticipated timing for each unit; and standards for height, open space, building intensity, population density and public improvements proposed for each unit of development whenever the applicant proposed an exception from standard zoning district or other ordinance regulations governing development;

- (4) Evidence that the applicant has sufficient control over the land to effectuate the proposed plan;
- (5) Building plans, including floor plans and exterior elevations;
- (6) Engineering feasibility studies, as necessary;
- (7) Landscaping plans;
- (8) Engineering plans, including site grading, street improvements and public utility extensions as necessary. (Ord. No. 391, § 1; Ord. No. 628, § 1; Ord. No. 673, § 1; Ord. No. 886, § 1, 3-21-72; Ord. No. 1318, § 1, 4-3-79.)

Sec. 8-21813. Findings required.

The planning commission, after public hearing, may recommend the establishment of a P district, and the city council, after public hearing, may by ordinance establish a P district, provided they find that the facts submitted with the application and presented at the hearings establish that:

- (a) The proposed P district, or a given unit thereof, can be substantially completed within four years of the establishment of the P district;
- (b) That each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts;
- (c) That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P district;
- (d) That any proposed commercial development can be justified economically at the locations proposed to provide for adequate commercial facilities of the types proposed;
- (e) That any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the planning commission and the city council;
- (f) That the area surrounding said development can be planned and zoned in coordination and substantial

compatibility with the proposed development;

- (g) That the P district is in conformance with the general plan of the City of Fremont; and
- (h) That existing or proposed utility services are adequate for the population densities proposed. (Ord. No. 391, § 1; Ord. No. 886, § 1, 3-21-72; Ord. No. 1318, § 1, 4-3-79.)

Sec. 8-21814. Planning commission and city council action.

(a) If, from the facts presented, the planning commission or the city council is unable to make the necessary findings, the application shall be denied.

(b) In taking action, the planning commission may deny the precise site plan and schedule as submitted, or may recommend approval of said plans and schedule subject to specified amendments.

(c) Major changes in a precise site plan shall be considered the same as a change in the zoning map, and shall be made in accordance with the provisions of this chapter.

(d) Minor changes to an approved precise site plan may be approved by the planning director, provided the change is in accord with the intent expressed in the precise site plan. Where a P district shall include a gasoline service station or automobile service station on a lot, unless otherwise authorized by the precise site plan, the only uses permitted thereon shall be the supplying of those particular goods and services which are described in the first and third sentences of section 8-2111, unless the supplying of other services is expressly authorized by amendment to the precise site plan. Such amendment to the precise site plan shall be deemed a minor change for purposes of this subsection.

(e) If no development has occurred to effectuate a P district development within four years after the district is created, the planning commission shall review the action and determine whether or not the continuation of a given P district is in the public interest.

(f) At the time of adopting any ordinance establishing a P district, the city council shall make appropriate arrangements with the applicant, which will insure the accomplishment, at the scheduled times, of the public improvements and grants of easement shown on the approved precise site plan. (Ord. No. 391, § 1; Ord. No. 886, § 1, 3-21-72; Ord. No. 1318, § 1, 4-3-79; Ord. No. 1324, § 8, 5-1-79.)

Sec. 8-21815. Amendments to certain special conditions in certain P districts.

(a) The procedure established in this section shall be applicable only to minor changes to precise site plans in residential developments in P districts initiated by owners of residential lots or their agents, not including minor changes initiated by developers or subdividers of such districts. Such changes initiated by subdividers or developers shall be governed by section 8-21814(d).

(b) Where a residential lot in a P district has been developed in accordance with a precise site plan which imposes special conditions as to fences and hedges, yard requirements, building additions or accessory structures which are more restrictive than would be required in the conventional residential district whose minimum lot area is closest to the area of such residential lot, the owner or his agent may apply for

an amendment to such plan. Such amendment shall be deemed to be a minor change to such plan. The commission shall have the authority to consider such amendments.

(c) Applications for such amendments shall be accompanied by plans sufficient to describe the nature of the proposed amendment and such other pertinent information as may be necessary for a determination as to whether the public convenience, necessity and general welfare require the adoption of the proposed amendment. The applicant shall at the time of filing of the application provide a list of all owners of real property within the P district, together with a stamped and addressed envelope for each such property owner.

(d) When the P district consists of two or more lots, notice of the time and place of the hearing on the application shall be given by mail or delivery to all persons, businesses, corporations and other public or private entities owning real property within the P district, at least ten days prior to said hearing.

(e) The commission shall hold at least one hearing on the application, and shall approve the proposed amendment only if it finds that the public necessity, convenience and general welfare require such approval. (Ord. No. 1327, § 2, 5-15-79.)

- § 8-21820. Purpose.
 § 8-21821. Establishment and designation.
 § 8-21821.1. Land constraints.
 § 8-21822. Area and lot width requirements.
 § 8-21823. Methods for measuring natural land slope.
 § 8-21824. Other requirements.

Sec. 8-21820. Purpose.

The purpose of the (H-I) Combining District is to promote and encourage the orderly development of hillside areas of the city by the application of regulations and requirements established to meet the particular problems associated with development of hillside areas. (Sec. 2, Ord. 490.)

Sec. 8-21821. Establishment and designation.

(a) (H-I) district may be established only in conjunction with other districts, except P districts. An (H-I) designation shall be combined with whatever other district designation is applicable to the area in which an (H-I) district is established.

(b) The provisions of this article shall apply in an (H-I) district, which district shall also be subject to other provisions of this chapter, including the provisions applicable to the particular district to which the (H-I) district designation is added and combined, provided, that where conflict between regulations occurs, the regulations specified in this article shall prevail.

(c) Whenever an (H-I) district is established, any subsequent application to change the district with which the (H-I) district is combined shall not be construed to be an application to eliminate the (H-I) district for the area covered by the application, unless such intent to eliminate the (H-I) district is expressly stated to be part of the application. (Sec. 2, Ord. 490.)

Sec. 8-21821.1. Land constraints.

(a) No building, private street or driveway shall be constructed in an area identified by the general plan, or any element thereof, or by an on-site soils and geologic investigation as having any of the following characteristics:

- (1) Severe soil instability.
- (2) Class VII or VIII soils as classified by the Soil Conservation Service of the United States Department of Agriculture.
- (3) Groundwater conditions that may affect or be affected adversely by such construction.
- (b) No building, private street or driveway shall be constructed on land determined to be a landslide or on land in the path of a landslide, as identified by an on-site soils and geologic investigation or by any United States Geological Survey.

(c) No building, private street or driveway shall be constructed on land having slopes in excess of thirty percent; provided, however, that minor encroachments of the facility onto slopes in excess of thirty percent may be permitted where the director of planning finds and determines that the proposed encroachment will not conflict with the purposes and intent of this article. (Ord. No. 1280, § 1, 10-3-78.)

Sec. 8-21822. Area and lot width requirements.

The following requirements shall apply in an (H-I) dis-

trict where the district in which the (H-I) district is combined, increased two percent in area for each one percent:

(a) Lot area: The minimum lot area shall be the minimum lot area of the district with which the (H-I) district is combined, increased two percent in area for each one percent of land slope in excess of six percent (disregarding minor surface humps and hollows); provided, that the maximum total increase required shall not exceed fifty percent for any lot with thirty percent or greater slope if the appropriate subdivision approval authority determines that a practical building site exists within the boundaries of the lot.

(b) Lot width: The minimum lot width shall be the minimum lot width of the district with which the (H-I) district is combined, increased two percent in width for each one percent of land slope in excess of six percent (disregarding minor surface humps and hollows); provided, that the maximum total increase required shall not exceed fifty percent for any lot with thirty percent or greater slope if the appropriate subdivision approval authority determines that adequate access from a public or approved private street can be provided to the building site. The provisions of this subsection shall be applicable irrespective of the fact that they may necessitate an increase in lot area over and above that required pursuant to subsection (a) above. (Sec. 2, Ord. 490; Ord. No. 1020, § 2, 1-7-75.)

Sec. 8-21823. Methods for measuring natural land slope.

The natural land slope for each individual lot is determined by measuring the distance and change of elevation within a minimum rectangle drawn within the lot boundaries. The minimum rectangles are developed by reducing the minimum lot widths and lengths by subtracting the required front, rear and side yards.

Minimum rectangles for each standard single-family zoning district are as follows:

| District | Width | Length |
|----------|----------|----------|
| R-1-6 | 43 feet | 64 feet |
| R-1-8 | 54 feet | 64 feet |
| R-1-10 | 60 feet | 70 feet |
| R-1-20 | 75 feet | 143 feet |
| R-1-40 | 105 feet | 200 feet |
| R-1-80 | 105 feet | 200 feet |
| R-1-160 | 105 feet | 200 feet |
| R-E-1/2 | 75 feet | 143 feet |
| R-E-1 | 105 feet | 200 feet |

(Ord. No. 1020, § 3, 1-7-75; Ord. No. 1294, § 4, 11-28-78.)

Sec. 8-21824. Other requirements: On-site parking.

(a) When a lot or parcel fronts or is proposed to front on a street where a curb parking lane is not provided, on-site parking shall be provided as required by officially adopted hillside street standards. Such on-site parking may be located in required front yard areas if it is properly screened and if the planning commission finds that front yard parking will not be detrimental to the purposes or intent of this article. (Sec. 2, Ord. 490; Sec. 6, Ord. 513; Sec. 12, Ord. 631; Ord. No. 1020, § 3, 1-7-75; Ord. No. 1261, § 1, 8-1-78.)

- § 8-21830. Purpose.
- § 8-21831. Establishment and designation.
- § 8-21832. Quarry operations; conditional use permit—Required.
- § 8-21833. Same—Application procedure; plans and specifications.
- § 8-21834. Same—Conditions for quarry operation.
- § 8-21835. Contract and performance guarantee.
- § 8-21836. Final rehabilitation plans; subsequent approvals.

Sec. 8-21830. Purpose.

The purpose of the (Q) Combining District is to provide for establishment of districts in the city which are recognized as potentially or conditionally suitable for quarries and to eliminate or minimize the adverse effects of quarries by regulating the orderly operation of quarries, and assure that the lands quarried are rehabilitated promptly upon completion of quarrying to a condition compatible with land uses indicated on the general plan for the quarried and adjacent lands. (Sec. 2, Ord. 734.)

Sec. 8-21831. Establishment and designation.

(a) (Q) Districts may be established only in conjunction with other districts. A (Q) designation shall be combined with whatever other district designation is applicable to the area in which a (Q) District is established.

(b) The provisions of this article shall apply in a (Q) District, which district shall also be subject to other provisions of this chapter, including the provisions applicable to the particular district to which the (Q) District designation is added and combined, provided, that where conflict between regulations occurs, the regulations specified in this article shall prevail.

(c) Whenever a (Q) District is established, any subsequent application to change the district with which the (Q) District is combined shall not be construed to be an application to eliminate the (Q) District for the area covered by the application, unless such intent to eliminate the (Q) District is expressly stated to be part of the application. (Sec. 2, Ord. 734.)

Sec. 8-21832. Quarry operations; conditional use permit—Required.

No quarry shall operate within a (Q) District unless and until a conditional use permit shall first have been secured therefor pursuant to article 25 of this chapter. A public hearing shall be held by the commission prior to the approval (or extension) of any conditional use permit for a quarry. (Sec. 2, Ord. 734.)

Sec. 8-21833. Same—Application procedure; plans and specifications.

(a) Application for a conditional use permit in a (Q) District for a quarry shall be accompanied by the following:

(1) a general development plan illustrating graphically the proposed quarry operation and its eventual effect on the terrain. The general development plan shall be a plan drawn at a scale adequate to show the following:

- a. proposed land use and circulation when quarrying is completed;
- b. the character of the proposed development by suggesting the distribution of buildings, roads, water and land areas, significant planting areas and other major physical elements; and shall include final proposed contours of the site;
- c. planning and engineering criteria in report form supporting the proposed plan;

d. such other sketches, models, diagrams, which the applicant may wish to provide to support the proposal. In case of a hillside quarry, a three-dimensional model may be required by the commission.

Such general development plan shall respond to and be guided by the city's general plan, and no general development plan shall be approved unless the commission finds the plan to be consistent with the city's general plan; upon approval of the general development plan by the commission the specifics of the plan shall be deemed to be a refinement of the general plan;

(2) a soils report prepared by a qualified soils consultant regarding the stability of slopes proposed to be created; provided, however, that the commission may waive the requirement for a soils report when the city engineer reports that in his opinion there is sufficient and reliable information available to enable determinations to be made concerning slopes; and provided further that such proposed slopes shall not exceed the maximums set forth in section 8-21834 of this Code.

(3) appropriate topographic maps drawn to a scale of one inch = one hundred feet and one inch = two hundred feet with a contour interval of five feet; these maps shall be drawn on linen or mylar suitable for reproduction or overlay purposes;

(4) appropriate text and specifications setting forth in detail information relevant to the proposed operation which will enable the commission to take action on the application pursuant to this article and chapter;

(5) a cash deposit of one hundred dollars, pursuant to subsection (c) of section 8-21834 of this Code.

(b) Within one hundred twenty days of commission approval of the general development plan, the applicant shall submit a preliminary rehabilitation plan. The preliminary rehabilitation plan shall be a refinement of the general development plan and shall respond to any conditions of approval of the general development plan. The plan shall be at a scale of one inch = one hundred feet or such other scale as the director of planning may require and shall:

- (1) be divided into phases not longer than five years each;
- (2) provide technical data and planning criteria in a report form supporting design phasing and related proposals;
- (3) propose appropriate landscaping and planting necessary for the control of erosion and to blend the rehabilitated area with the surrounding non-quarried area;
- (4) provide proposals for future land use and circulation as set forth in the approved general development plan;
- (5) contain existing and proposed topographic information with a contour interval of five feet.

(c) Upon approval of the general development plan and the preliminary rehabilitation plan, the commission may approve the application for the conditional use permit, subject to the requirements of this article and chapter. (Sec. 2, Ord. 734; Ord. No. 837, § 1, 5-11-71.)

Amendment note—Ord. No. 837, § 1, amended § 8-21833(a)(2).

Sec. 8-21834. Same—Conditions for quarry operation.

(a) The commission shall attach appropriate and reasonable conditions to the approval of a conditional use permit for a quarry which will assure the following:

- (1) that the quarry premises will be maintained in a neat and orderly manner at all times;
- (2) that all over-burden will be removed from the quarry

premises or placed at locations at least two hundred fifty feet from any dwelling on an adjacent lot or in other suitable places on the quarry premises in such a manner so as not to present an unsightly appearance from beyond the boundaries of the premises;

(3) that the operation of the quarry, including access and haulage roads, shall be conducted and maintained without excessive noise or dust and in such a manner that quarry operations will not adversely affect persons or property in the vicinity;

(4) that surface drainage from such surface slopes as are formed by the quarrying operations will be made in such a manner as to eliminate any reasonable possibility of erosion or other damage to adjacent properties, and neither divert nor concentrate runoff water in other than existing drainage channels; this requirement shall apply to areas within the quarry premises in which the quarry operation is in progress as well as to those in which the operation has been terminated;

(5) that the slopes and setbacks for quarry operations meet the following criteria:

a. *Setback requirements:* No quarrying activity shall occur within twenty feet of any property line of the quarry premises as established by the use permit permitting such quarrying, or within twenty feet of any right-of-way line or potential property line established by immediate possession effected under eminent domain proceedings, unless written consent is granted by the adjacent property owners or condemnor, and provided the commission also approves such quarrying closer than such twenty foot requirement.

b. *Slope requirements:* Slopes created by quarrying activity shall commence at the approved setback line. Slopes shall be no steeper than three feet horizontal to one foot vertical, provided however that in the case of pit quarries, slopes may be quarried to a maximum of two feet horizontal to one foot vertical with transverse benches ten feet wide for each twenty-five feet of vertical descent above any anticipated permanent water surface and may be quarried to provide a slope of 2:1 maximum below any anticipated water surface, provided that all proposed slopes (steeper than 3:1) shall be specifically recommended by a qualified soils consultant and/or an engineering geologist and city engineer, provided however that only the recommendation of the city engineer is required for the slopes steeper than 3:1 in those cases where adequate soils and/or engineering geology information is readily available to the satisfaction of the city engineer. Determination of the recommended slope for any embankment or cut shall take into consideration the site geology, soil conditions, shear strength of the materials, ground water effects, future use of the area above and below the slope, useful life expectancy of the constructed slope, possible natural causes of instability and any surcharges which exist or are anticipated to exist adjacent to the excavation. All finished slopes in quarries shall be blended with the surrounding unquarried land. Finished slopes in all quarries shall conform to the approved rehabilitation plan for the quarry. In no case shall the slope be greater than the natural angle of repose of the material, or fail to meet the standards specified above, whichever provides the most gentle slope.

c. *Exceptions:*

i. Working slopes in the interior of a pit quarry need not comply with any specific setback or slope requirements, provided that the excavation is compatible with the approved rehabilitation plan;

ii. Slopes preexisting the use permit application as legal nonconforming uses which are not in conformance with the requirements of this paragraph (5) may continue to exist provided that any reworking of such slopes shall conform to

said requirements, except that minimal modification may be required in order to preclude the continued existence of slopes that the city engineer finds to be a hazard to public safety.

(b) The commission may attach regulatory conditions relating to the following when deemed necessary to protect the public health, safety, comfort, convenience or general welfare:

(1) the prohibition or control of the use of explosives in excavation;

(2) the establishment of dates the operation is to commence and to cease;

(3) the establishment of haul routes;

(4) the hours during which quarry operations may be conducted;

(5) the control of spilling of material from trucks onto public streets;

(6) the precautions which must be taken to guide safe traffic movements in and around the quarry operation;

(7) the protection of the underground water percolation and replenishing system;

(8) the landscaping and screening of the quarry premises pursuant to approved plans;

(9) construction of fencing;

(10) the insuring against liability arising from quarry operations;

(11) recommendations of the city engineer necessitated by or based upon standard engineering practices;

(12) replacement or transplanting of trees which are removed by quarry operations;

(13) other factors and situations applicable to the specific quarry operation.

(c) The director of planning shall cause to be made such inspections of quarries as he deems necessary, or as required by the commission, to determine the conditions which should be imposed with the granting of a conditional use permit for a quarry and to ensure that the terms and provisions of the conditional use permit are being complied with. All inspection services provided for by this section shall be paid for by the applicant or permittee at the actual cost thereof to the city. City inspectors or other officials coming on the property shall leave their names at the applicant's office and comply with all reasonable safety regulations of the applicant while on the property. As soon as reasonably possible after any such liability has incurred, the applicant or permittee shall be billed for such expense. Payment shall be due within thirty days after billing. The applicant for a conditional use permit for a quarry shall deposit with the city, at the time of application a prescribed sum as a deposit to ensure payment of inspection fees required herein. This deposit shall be refunded to the applicant when the conditional use permit expires, or is terminated, provided that all inspection fees have been paid. This deposit shall be available to reimburse the city for any expense incurred in carrying out the required inspections which has not been paid within thirty days after billing the same. The applicant or permittee shall be notified immediately upon the dissemination of the deposit and shall have thirty days thereafter to reinstate the amount of deposit. Failure to so reinstate the deposit shall be considered as an abandonment of any application or a violation of a condition of any conditional use permit as applicable. (Sec. 2, Ord. 734;

Sec. 8-21835. Contract and performance guarantee.

(a) Subsequent to final approval of the preliminary rehabilitation plan, but prior to the commencement of each phase of quarry operations, the permittee shall enter into a contract with the city to provide for the rehabilitation of the first phase of the quarry operation within five years from the date of commencement of such quarry operation; provided, that the contract may include a provision for the extension of such completion date. The contract shall be in a form acceptable to the city attorney.

(b) The contract shall be accompanied by a financial guarantee in an amount equal to the estimated cost of each phase of rehabilitation in one or more of the following forms:

(1) a cash deposit or deposits made with the city;

(2) a bond or bonds by one or more duly authorized corporate sureties; provided, that if such form of guarantee is used the contracts shall provide for the accrual by the permittee of sufficient monies to pay the estimated costs of rehabilitating the excavated area, and for the periodic reporting to and auditing by the city of such funds;

(3) an instrument or instruments of credit from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for repayment and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument;

(4) An instrument providing that a sum of money per ton of salable material excavated shall be paid according to a schedule approved by the city into an impounded trust account in the name of the city in an escrow or bank designated by permittee and approved by city; such sum shall be arrived at by dividing the estimated costs of rehabilitating the excavated area by the number of tons of salable material estimated by the city engineer to be removed;

(5) Such other form of performance guarantee as may be proposed by the permittee and approved by the city council.

In the event any such financial guarantee accrues interest or other earnings above the amount required for such guarantee, such interest may be paid in accordance with the arrangements made between the depository and permittee. (Sec. 2, Ord. 734.)

Sec. 8-21836. Final rehabilitation plans; subsequent approvals.

(a) Not less than six months, or other date considered appropriate by the commission at the time the preliminary rehabilitation plan is submitted, prior to completion of quarry operations within an approved phase of the quarry operation, there shall be submitted for commission approval a final rehabilitation plan. The final rehabilitation plan shall be a detailed plan drawn to a scale of one inch equals one hundred feet or such other scale as the director of planning may require, and shall:

(1) Be in general conformance with the approved preliminary rehabilitation plan;

(2) Include a plan for landscaping, irrigation and drainage facilities proposed to be installed;

(3) Contain existing and proposed topographic information with a contour interval of five feet.

The commission shall also consider, at such time or at appropriate subsequent intervals, the next phase as affected by the final rehabilitation of the previous phase, and may attach conditions regarding the preparation of the final rehabilitation plan for such next phase which appear warranted by knowledge of the actual effect of the quarry operation and the performance of the final rehabilitation plan for the previous phase.

(b) Upon approval by the commission of the detailed final rehabilitation plan, the permittee shall proceed with rehabilitation of the phase where quarrying is complete, and may commence quarrying within the next phase as approved by the commission. The permittee shall provide a contract and guarantees for the subsequent phase as specified in section 8-21835 of this Code. Upon completion of rehabilitation of a phase the city shall return the financial guarantees previously posted for that phase. "Rehabilitation" shall mean the grading and shaping of the land, the establishment of finished grades and the installation of landscaping and irrigation facilities necessary to stabilize slopes and control erosion in accordance with the approved rehabilitation plan. (Sec. 2, Ord. 734.)

**ARTICLE 18.4. (H) HISTORICAL OVERLAY DISTRICT
AND HISTORICAL ARCHITECTURAL REVIEW.**

- § 8-21840. Purpose.
- § 8-21841. Establishment and designation.
- § 8-21842. Application to buildings.
- § 8-21843. Repealed by Ordinance No. 974, enacted February 5, 1974.
- § 8-21844. Powers and duties of historical architectural review board.
- § 8-21845. Standards and guides to applicants.
- § 8-21846. Applications and submittals.
- § 8-21847. Time within which board must act; duty to make findings.
- § 8-21848. Repealed by Ordinance No. 1209, enacted November 1, 1977.
- § 8-21849. Advice to planning commission on off-site street improvements.
- § 8-21850. Intent of this article.

Sec. 8-21840. Purpose.

The purpose of the (H) Historical Overlay District is to identify the areas of the city which possess a unique historical character, and to preserve, enhance, promote, and expand the cultural and historical identities, characters, and environments of such areas through the process of review of exterior architectural and other significant features of buildings and other structures to be erected or improved. (Ord. No. 915, § 18, 8-1-72.)

Sec. 8-21841. Establishment and designation.

(a) An (H) District may be established only in conjunction with other districts. An (H) designation shall overlay whatever other district designation is applicable to the area in which an (H) District is established; the boundaries of an (H) District may or may not coincide with other district boundaries.

(b) The provisions of this article shall apply in an (H) District, which district shall also be subject to other provisions of this chapter, including the provisions applicable to the particular district or districts which the (H) District designation overlays; provided, that where a conflict between the regulations in this article and those in other provisions of this chapter occurs, the regulations in this article shall prevail.

(c) In addition to the findings required to be made pursuant to sections 8-23106 and 8-23110, no (H) District shall be established unless the commission and council make the following findings:

- (1) That the area for which an (H) District designation is proposed has a unique historical character and identity; and
- (2) That the historical character, identity, and environment of the area for which an (H) District designation is proposed would be preserved and enhanced to the benefit of such area and the city as a whole by the application of the regulations and review procedures set forth in this article.

(d) Whenever an (H) District is established, any subsequent application to change any district which the (H) District overlays shall not be construed to be an application to eliminate the (H) District designation for the area covered by the application unless such intent to eliminate the (H) District designation is expressly stated to be part of the application. (Ord. No. 915, § 18, 8-1-72.)

Sec. 8-21842. Application to buildings.

In an (H) District no new buildings shall be constructed and no existing building shall be altered, enlarged, or rebuilt so as to affect the exterior of such existing building, without the approval of the historical architectural review board;

provided, however, that the foregoing shall not apply to any single family dwelling unless such dwelling shall have been designated as an historical resource in the general plan. (Ord. No. 915, § 18, 8-1-72.)

Sec. 8-21843. Reserved.

Sec. 8-21844. Powers and duties of historical architectural review board.

The historical architectural review board shall have the power to review for approval the construction of all new buildings; the alterations, enlargements, or rebuilding of all existing buildings affecting the exterior of such existing buildings in the (H) District except single family dwellings which have not been designated as historical resource on the general plan; and the landscaping associated with such buildings. In that connection, the board shall consider the appropriateness of exterior architectural features of buildings and structures, including such features as signs, landscaping, and other exterior fixtures, in accordance with standards adopted by the city council. The board shall not have the power to make determinations as to matters other than such exterior architectural features, but it shall have the power to make recommendations to the site plan and architectural approval agency on other facets of development and building alteration. (Ord. No. 915, § 18, 8-1-72; Ord. No. 941, § 1, 3-27-73.)

Sec. 8-21845. Standards and guides to applicants.

The historical architectural review board shall recommend to the commission and city council standards for evaluation of the appropriateness of exterior architectural features in the (H) District, including, but not limited to, building materials, color schemes, and historical styles. In addition to written standards, exhibits may include photographs and/or drawings illustrating acceptable features, bibliographies listing standard reference works, and such other reference materials as may be suitable. The city council shall consider the recommendations of the board and commission and shall adopt standards which shall adequately guide applicants in making submittals and the board in making its determinations. Copies of adopted standards and illustrative materials shall be available for applicants. (Ord. No. 915, § 8, 8-1-72.)

Sec. 8-21846. Applications and submittals.

Applications shall be filed with the historical architectural review board on a form designated by the board. Where site plan and architectural approval is also required pursuant to Article 27, the applicant may make his application with the approval agency in conjunction with his application with the historical review board.

Photos and drawings to scale shall be submitted to the board to indicate the following:

- (a) The siting of all structures on the subject site.
- (b) Use of walls or fencing for screening purposes.
- (c) The proposed appearance, including colors and building materials, of all exterior elevations of the buildings, structures or signs under consideration.
- (d) Landscaping and/or fencing of yards and setback areas, and use of landscaping and/or walls for screening purposes.

(e) The character of the buildings on either side of the subject site. (Ord. No. 915, § 18, 8-1-72; Ord. No. 976, § 5, 2-5-74.)

Sec. 8-21847. Time within which board must act; duty to make findings.

The board shall act upon each application within a period of thirty days from and after its filing or such application will be deemed to have been approved. The board may approve, deny, or condition its approval, based on specific findings as to whether the proposal or proposals of the applicant conforms to the adopted standards. Any conditions of approval imposed by the board shall be specific and shall relate the conformity with said standards. (Ord. No. 915, § 18, 8-1-72.)

Sec. 8-21848. Repealed by Ordinance No. 1209, enacted November 1, 1977.

Sec. 8-21849. Advice to planning commission on off-site street improvements.

In addition to the powers and duties enumerated in section 8-21844, the historical architectural review board shall have the authority to make recommendations concerning street sidewalk design and layout, street lighting, and street landscaping pertinent to visual aspects of street improvements in the (H) District and in that connection shall report any such recommendations to the planning commission. (Ord. No. 915, § 18, 8-1-72.)

Sec. 8-21850. Intent of this article.

It is not the intent of this article to stifle or restrict architectural design, but to insure that the historical character and identity of the (H) District be preserved and enhanced consistent with the right of owners and occupants of property within such district to use the property for the purposes permitted by this chapter without injuring or depreciating the value of other property in the district. (Ord. No. 915, § 18, 8-1-72.)

- § 8-21850.1. Purpose.
- § 8-21851. Historical architectural review board—Powers and duties.
- § 8-21852. Designation of historical resources; removal of designation.
- § 8-21853. Notice and recordation of designation and removal of designation of historical resource.
- § 8-21854. Demolition, alteration, removal of historical resource structures; development projects on historical resource sites.
- § 8-21855. Moving, removal, or destruction of historical resource structures where no permit is required.
- § 8-21856. Board to review applications for enlargements and alterations.
- § 8-21857. Board to review applications regarding historical resource structures and sites.
- § 8-21858. Single review by board for development projects.
- § 8-21859. Purposes of ninety-day grace period.
- § 8-21859.1. Power of board to terminate ninety-day grace period prior to expiration; historical resource sites.
- § 8-21859.2. Notice of hearing to interested organizations.

Sec. 8-21850.1. Purpose.

It is hereby found that historical resources within a community enrich it by providing it with a district identity and a link with the past, and by serving as a source of ideas for contemporary buildings, designers, and other artisans. It is further found that the number of irreplaceable historical resources within the community is limited and declining and that the preservation of such resources is essential to the general welfare of the public. The purpose of this article is to encourage the preservation of historical resources through review by the historical architectural review board and by requiring that the actions to remove or demolish historical resource structures and proposals to develop historical resource sites be deferred for a reasonable period of time, to allow their acquisition and relocation of such structures by interested persons and organizations, and to give property owners a greater opportunity to make careful considerations as to decisions which would have an adverse effect on historical resources.

This article is adopted pursuant to Section 37361 of the California Government Code, which authorizes the adoption of special regulations for the protection, enhancement, perpetuation or use of places, buildings, structures, and other objects having a special character or special historical or aesthetic interest or value. (Ord. No. 1109, § 2, 8-3-76.)

Sec. 8-21851. Historical architectural review board—powers and duties.

The historical architectural review board shall have the following powers and duties pursuant to this article:

- (a) To initiate proceedings with regard to recommendations to the planning commission and city council that the general plan be amended to designate as historical resources, or to eliminate from such designation, particular buildings, structures, trees, plantlife, and sites, and to inspect and investigate any such historical resource or proposed historical resource;
- (b) To conduct public hearings at which said board shall consider whether it shall recommend to the planning commission and city council that the general plan should be amended as set forth in subsection (a);

(c) To review proposals for the demolition, substantial exterior alteration, moving or removal of any historical resource structure, or proposals for the development of any historical resource structure, or proposals for the development of any historical resource site, and to consider whether it shall make such findings necessary for the deferral for a limited period of actions which would be detrimental to the preservation of historical resources. (Ord. No. 1109, § 2, 8-3-76.)

Sec. 8-21852. Designation of historical resources; removal of designation.

(a) *General plan amendment required.* The designation of buildings, structures, trees, plantlife, and sites as historical resources, and the removal of such designation shall be accomplished by amendment to the general plan in accordance with the procedure established pursuant to this article.

(b) *Initiation of general plan amendment.*

(1) Amendments to the general plan to designate as historical resources or remove from such designation buildings, structures, trees, plantlife, or sites may be initiated by the city council, the commission, the historical architectural review board, the director of planning, or the owner of the subject real property or his authorized agent.

(2) Other persons and organizations interested in the preservation of historical resources may submit to the director of planning written requests that specified buildings, structures, trees, plantlife, or sites be designated as historical resources or that such designation be removed. Upon receipt of any such request the director of planning shall investigate the proposal and inspect the real property in question, and upon the conclusion of his investigation shall report to the historical architectural review board his recommendation as to whether a general plan amendment should be initiated to designate said property as a historical resource. The board shall consider the recommendation and decide whether it should initiate such a general plan amendment.

(c) *Procedure for consideration of general plan amendment.*

- (1) All amendments to the general plan regarding such designation shall be referred to the historical architectural review board for report and recommendation to the commission. The board shall conduct at least one public hearing on the matter. At least ten calendar days before the hearing notice of the time and place of the hearing shall be given in the manner prescribed by state law for the giving of notice of public hearings on amendments to the general plan by the commission, and written notice of the hearing shall be mailed to the owner of the affected building, structure, tree, plantlife, or site, as shown on the last assessment roll of the county assessor. At the conclusion of the hearing or hearings, the board shall submit a written report and recommendation to the commission, including the reason for the recommendation.
- (2) Consideration of the proposed amendment to the general plan by the commission and the city council with regard to an historical resource or a proposed historical resource shall be in accordance with the procedure for processing and consideration of amendments to the general plan prescribed by state law, city ordinance, and the resolutions and procedural rules and regulations of the city council and the commission. (Ord. No. 1109, § 2, 8-3-76.)

Sec. 8-21853. Notice and recordation of designation and removal of designation of historical resource.

Whenever the city council shall designate any building, structure, tree, plantlife, or site as an historical resource, or

remove such designation, the city clerk shall give written notice of the action of the city council to the owner of the historical resource (as shown on the last assessment roll of the county assessor), the Southern Alameda County Board of Realtors, the director of public works, the planning director, and any person who has filed a written request with the city clerk for such notice. The city clerk shall cause to be recorded in the office of the county recorder a copy of each resolution designating an historical resource or removing such designation. (Ord. No. 1109, § 2, 8-3-76.)

Sec. 8-21854. Moving, removal, or destruction of historical resource structures; development projects on historical resource sites.

(a) No historical resource structure shall be enlarged, substantially altered as to its exterior, moved, removed, or demolished except in conformance with this article.

(b) No development project shall be approved for any land on which a historical resource site is located except in conformance with this article. As used herein, "development project" means the subdivision of land (as defined in Chapter 1 of this Title VIII of this Code) or the issuance of any permit authorizing grading, excavation, or construction of buildings or structures. (Ord. No. 1109, § 2, 8-3-76.)

Sec. 8-21855. Moving, removal, or destruction of historical resource structures where no permit is required.

(a) *Application.* This section applies to historical resource structures as to which the moving, removal, or destruction requires no permit pursuant to Chapter 5 of Title IV (pertaining to preservation of trees) or Chapter 1 of Title VII (Pertaining to building regulations) of this Code.

(b) *Notice of intention.* No person shall move, or destroy any historical resource structure as to which this section is applicable unless he shall have filed with the director of planning a written notice of intention to take such action, and unless one of the following shall have occurred:

- (1) The director of planning shall have authorized the moving, removal, or destruction of the historical resource structure pursuant to section 8-21856(b) or 8-21857(b); or
- (2) The historical architectural review board shall have reviewed the proposed action and shall have made the findings necessary to enable the historical resource structure to be removed, demolished, or destroyed without the necessity of any waiting or grace period; or
- (3) The board shall have authorized removal of the historical resource structure pursuant to plans reviewed by the board pursuant to section 8-21857(c); or
- (4) The ninety-days grace period prescribed in section 8-21857 shall have elapsed. (Ord. No. 1109, § 2, 8-3-76.)

Sec. 8-21856. Board to review applications for enlargements and alterations.

(a) Except as provided in subsection (b), upon the filing of an application for a permit to enlarge or to substantially alter the exterior of a building or structure which has been designated as an historical resource structure, the historical architectural review board shall review for approval the proposal and shall exercise the same powers and duties and be subject to the same standards and procedures in connection therewith as would be applicable with respect to similar pro-

posal regarding existing buildings in the (H) Historical Overlay District over which the board has jurisdiction pursuant to Article 18.4. Decisions of the board may be appealed in the manner prescribed in said article.

(b) Where the director of planning finds that any such enlargement or alteration must be undertaken promptly to adequately protect the public health and safety due to a hazardous condition of the building or structure, he shall do one of the following:

- (1) He shall advise the secretary and the chairman of the board immediately of his finding, and the chairman shall immediately call a special meeting of the board to be held within three days to review the proposal in the manner set forth in subsection (a). The procedure for calling such meeting shall be as set forth in Section 54956 of the Government Code.
- (2) If he finds, additionally, that the danger to the public health and safety is so immediate that no delay in undertaking the work should be required he may authorize the issuance of the permit in conformance with other applicable requirements of this Code, to the extent necessary to eliminate the hazardous conditions, without referral of the matter to the board. (Ord. No. 1109, § 2, 8-3-76.)

Sec. 8-21857. Board to review applications regarding historical resource structures and sites.

(a) Upon the filing of any of the following:

- (1) An application for a permit for the removal or demolition of a historical resource structure; or
- (2) A notice of intention to move, remove, or destroy a historical resource structure pursuant to section 8-21855; or
- (3) An application for a development project on any land on which a historical resource site is located;

the director of planning shall refer the application or matter to the historical architectural review board for review for a hearing to be conducted by the board within thirty days of the filing of the application or notice of intention, except as provided in subsection (b).

(b) Upon the filing of an application or notice of intention involving the removal, demolition, or destruction of a historical resource structure, an inspection shall be made or caused to be made of the physical condition thereof by (1) the chief building official, in the case of a building or structure; or (2) the parks superintendent, if it is a tree or plantlife. The inspecting official shall report to the director of planning as to the physical condition of the historical resource structure. If the director of planning finds that the removal, demolition, or destruction of the historical resource structure must be undertaken promptly to adequately protect the public health and safety due to a hazardous condition of the historical resource structure, he shall do one of the following:

- (1) He shall advise the secretary and the chairman of the historical architectural review board immediately of his findings, and the chairman shall immediately call a special meeting of the board to be held within three days at which a hearing shall be held and findings shall be made pursuant to subsection (d). The procedure for calling such meeting shall be as set forth in Section 54956 of the Government Code.
- (2) If he finds, additionally, that the danger to the public

health and safety is so immediate that no delay in undertaking the removal, demolition, or destruction should be required, he may authorize the issuance of the permit (if such is required) or the removal, demolition, or destruction (if no permit is required) in conformance with other applicable requirements of this Code, to the extent necessary to eliminate the hazardous condition, without referral of the matter to the board.

(c) At any hearing held in connection with a historical resource structure, the board shall hear and consider evidence as to its physical condition, its cost of restoration, and its historical significance and functional value. If at the conclusion of the hearing, the board makes one of the following findings:

(1) That the historical resource structure may be removed elsewhere without substantial damage to it; or

(2) That the historical resource structure may be maintained at its present location so as to create an immediate or potential hazard to other buildings, or structures or their occupants, or to plant or animal life, on the same lot or on any adjacent lots, and that the expense of restoration of the historical resource structure is not disproportionately great in relation to its historical significance and functional value;

the historical resource structure shall not be removed, destroyed, or demolished, nor shall any permit be issued authorizing such removal, destruction, or demolition for a period of ninety days from the date the board makes its finding; provided, however, that if the board finds that the historical resource structure may be removed elsewhere without substantial damage to it, the board may authorize the removal thereof prior to the expiration of such ninety-days period on the condition that it be removed to a specific site if plans shall have been submitted to the board showing the relocation site and where the historical resource structure will be placed thereon.

If at the conclusion of the hearing the board makes all of the following findings:

(1) That the historical resource cannot be removed elsewhere without substantial damage to it; and

(2) That the historical resource structure, if maintained at its present location, would create an immediate or potential hazard to other buildings or structures or their occupants, or to plant or animal life on the same or on any adjacent lot; or

(3) That the expense of restoration of the historical resource structure at its present location is disproportionately great in relation to its historical significance and functional value;

then without the ninety-day period set forth above, a permit for the removal, destruction or demolition of the historical resource structure, if necessary, shall be issued if the application therefor shall be in conformance with all other requirements of this Code, and if no such permit is required, the historical resource structure may be removed, demolished, or destroyed.

(d) At any hearing held in connection with a historical resource site, the board shall hear and consider evidence as to the effect which the development project would have on the historical resource site.

(1) If at the conclusion of the hearing the board finds that the development project as a whole would interfere with the continued maintenance and preservation of the

historical resource site, such project shall not be approved for a period of ninety days from the date the board makes the finding.

(2) If at the conclusion of the hearing the board finds that a portion of the development project would interfere with the continued maintenance and preservation of the historical resource site, the board shall specify the portion of the land upon which the project would have such an effect, and such portion of the project shall not be approved for a period of ninety days from the date the board makes its finding.

(3) If at the conclusion of the hearing the board finds that the project would not interfere with the continued maintenance and preservation of the historical resource site, such project may be processed without the above-mentioned waiting period, in accordance with the otherwise applicable procedural and substantive requirements.

The secretary of the board shall promptly transmit any finding made by the board pursuant to paragraph (1) or (2) of this subsection to the person, organization, board, commission, committee, or body which in the ordinary course of events would have jurisdiction to review the development project on behalf of the city. (Ord. No. 1109, § 2, 8-3-76.)

Sec. 8-21858. Single review by board for development projects.

The historical architectural review board shall not conduct any hearings or review any development project in connection with a historical resource site if it has previously heard and considered, pursuant to section 8-21857(d), a development project having a substantially similar effect on such site. It is the purpose of this section to provide for a single review by the board where a proposal for development of a site requires a process to two or more actions by the city. (Ord. No. 1109, § 2, 8-3-76.)

Sec. 8-21859. Purposes of ninety-day grace period.

The purposes of the ninety-day grace period required pursuant to section 8-21857 are as follows:

(a) To allow property owners to reconsider decisions to destroy, demolish, or remove historical resource structures, or to take actions which would be adverse to the preservation of historical resource sites;

(b) To allow property owners to consider whether it would be feasible or practical to move a historical resource structure to another site;

(c) To promote consultation between the city, other public agencies, private historical organizations, civic groups, other interested persons, and property owners to determine whether preservation of the historical resource may be accomplished through the participation or action of any such persons, groups, agencies, or organizations, or the city. (Ord. No. 1109, § 2, 8-3-76.)

Sec. 8-21859.1. Power of board to terminate ninety-day grace period prior to expiration; historical resource sites.

While a ninety-day grace period is in effect pursuant to section 8-21857 with regard to a historical resource site, the historical architectural review board shall have jurisdiction to hear, consider, and review plans submitted by or with

the consent of the property owner for the preservation of the site. If the board finds that the specific proposal or plan is adequate to assure that the historical resource site will be preserved and that such proposal or plan will be incorporated as requirements or conditions of approval of the development project by the appropriate officials, agencies, boards, commissions, or other bodies of the city having jurisdiction thereof, the grace period shall thereupon terminate rather than continue to its otherwise applicable expiration date. (Ord. No. 1109, § 2, 8-3-76.)

Sec. 8-21859.2. Notice of hearing to interested organizations.

The secretary of the board shall compile a list of persons, groups, and organizations which are interested in the preservation of historical resources in the city. He shall transmit by mail to each person, group, or organization on the list a notice of each meeting of the board at which a hearing will be conducted regarding the designation of any historical resource; or the removal of any historical resource from its designation as such; or regarding any proposal for the removal, relocation, destruction or demolition of a historical resource structure; or regarding any development project on land which wholly or partially constitutes a historical resource site. He shall add persons, groups, or organizations to this list upon their written request. (Ord. No. 1109, § 2, 8-3-76.)

ARTICLE 18.6. (F) FLOOD COMBINING DISTRICT.

- § 8-21860. Purpose.
- § 8-21861. Establishment and designation.
- § 8-21862. Additional principal permitted uses.
- § 8-21863. Additional conditional uses.
- § 8-21864. Prohibited uses.
- § 8-21865. Standards of development.
- § 8-21866. Approval authority of chief building official.
- § 8-21867. Disclaimer.

Sec. 8-21860. Purpose.

The purpose of the (F) Flood Combining District is to provide land use and structural regulations to be applied on a uniform basis so as to prevent property damage, and to safeguard the health, safety, and general welfare of the people in areas subject to flooding and inundation.

Areas subject to flooding and inundation by floodwaters are designated on a map entitled "Special Flood Hazard Areas for the City of Fremont," prepared by the United States Department of Housing and Urban Development. (Ord. No. 1065, § 5, 9-9-75.)

Sec. 8-21861. Establishment and designation.

(a) An (F) District may be established only in conjunction with other districts. An (F) District designation shall be combined with whatever other district designation is applicable to the area in which the (F) District is established.

(b) The provisions of this article shall apply in an (F) District, which district shall also be subject to other provisions of this chapter, including the provisions applicable to the particular district to which the (F) District is added and combined; provided that where a conflict between the regulations in this article and those in other provisions of this chapter occurs, the regulations in this article shall prevail.

(c) (F) Districts shall only be applied in areas of the city which are flood-prone as delineated on the map designated in section 8-21860 and which are subject to floodwaters without velocity. (Ord. No. 1065, § 5, 9-9-75.)

Sec. 8-21862. Additional principal permitted uses.

The following are additional principal permitted uses in an (F) Combining District when combined with an A District:

- (a) Extraction of chemicals from sea water by natural evaporation. (Ord. No. 1065, § 5, 9-9-75.)

Sec. 8-21863. Additional conditional uses.

The following are additional conditional uses in an (F) Combining District when combined with an A District and the lands are designated on the general plan for industrial uses:

- (a) Private airports and landing strips.
- (b) Corporation yards and salvage yards; provided, that these are enclosed on all sides by a solid fence or wall not less than eight feet in height; petroleum or flammable liquids storage; provided further, that any of the foregoing uses shall be permitted only on premises which are both adjoining and within one thousand feet of a railroad or a thoroughfare.
- (c) Public dumps.
- (d) Drive-in theaters. (Ord. No. 1065, § 5, 9-9-75.)

Sec. 8-21864. Prohibited uses.

The following uses are prohibited in an (F) Combining District where the lands are designated on the general plan for

industrial uses:

- (a) Guest ranches.
- (b) Dwellings other than the farm dwelling appurtenant to principal agricultural uses.
- (c) Quarters or accommodations for transient labor.
- (d) Commercial agricultural processing plants and fertilizer plants and yards.
- (e) Hotels, restaurants and similar commercial facilities,
- (f) Cemeteries, crematories, mausoleums, and columbariums.
- (g) Quasi-public.
- (h) Social halls, lodges, fraternal organizations and clubs. (Ord. No. 1065, § 5, 9-9-75.)

Sec. 8-21865. Standards of development.

In addition to requirements established by this chapter, the following additional standards of development shall be maintained:

- (a) Foundation walls, footings, and types of construction shall be capable of withstanding damage during flooding conditions.
- (b) The first floor level of any structure shall be at an elevation of one foot above the level of the one-hundred-year flood as defined on the above-mentioned "Special Flood Hazard Area Map."
- (c) Any structure permitted shall be floodproof and constructed of materials which can sustain inundation by floodwater for a period of one week. The structural design of walls and floors shall be capable of withstanding the hydrostatic and hydrodynamic forces generated by the designated flood conditions.
- (d) All structures shall be anchored to the ground surface to resist flotation and lateral movement.
- (e) Water supply and waste treatment systems shall be designed to prevent the entrance of floodwater.
- (f) Valves or controls shall be installed on sanitary and storm drainage lines to prevent the backup of sewage or storm waters into the structures.
- (g) All electrical equipment, circuits, and appliances shall be located in such a manner which will assure their protection from floodwaters.
- (h) Any material stored on the premises which due to their qualities, may be hazardous to public health, safety or welfare shall be in secured containers which will prevent their escape into floodwaters.
- (i) Any addition or enlargement to any existing structure or an expansion of use on the premises which exceeds fifty per cent of the floor area of the existing structure or fifty per cent of the land area in existing use shall be subject to the standards enumerated in this section.
- (j) Major repairs to a structure which exceed fifty per cent of the market value of the structure shall be subject to the standards set forth in this section. (Ord. No. 1065, § 5, 9-9-75.)

Sec. 8-21866. Approval authority of chief building official.

No building permit shall be issued and no development organization approval shall be made authorizing development of land in an (F) Combining District unless the chief building official determines that the standards of development set forth in section 8-21865 are being met and shall so indicate on a building permit or prior to approval by the development organization. (Ord. No. 1065, § 5, 9-9-75.)

Sec. 8-21867. Disclaimer.

The granting of any permit or approval under this article shall not constitute a representation, guarantee, or warranty of any kind or nature of the city, or any officer or employee thereof, of or as to the practicability of safety of any structure or other plan approved. (Ord. No. 1065, § 5, 9-9-75.)

ARTICLE 18.7. (R) DEVELOPMENT RESERVE OVERLAY
DISTRICTS

- § 8-21870. Purpose.
- § 8-21871. Establishment and designation.
- § 8-21872. Lot area.
- § 8-21873. Criteria used to establish district boundaries.
- § 8-21874. Method for removal of land from (R) district restrictions.

Sec. 8-21870. Purpose.

The purpose of the (R) overlay district is to promote and encourage the orderly development of the hill areas and certain industrial lands of the city by the application of regulations and requirements established to meet the particular problems associated with development of these areas. (Ord. No. 1278, § 2, 10-3-78.)

Sec. 8-21871. Establishment and designation.

(a) (R) districts may be established only in conjunction with other districts, except P districts. An (R) designation shall be combined with whatever other district designation is applicable to the area in which an (R) district is established.

(b) The provisions of this article shall apply in an (R) district, which district shall also be subject to other provisions of this chapter, including the provisions applicable to the particular district to which the (R) district designation is added and combined, provided, that where conflict between regulations occurs, the regulations specified in this article shall prevail.

(c) Whenever an (R) district is established, any subsequent application to change the district with which the (R) district is combined shall not be construed to be an application to eliminate the (R) district for the area covered by the application, unless such intent to eliminate the (R) district is expressly stated to be part of the application. (Ord. No. 1278, § 2, 10-3-78.)

Sec. 8-21872. Lot area.

The minimum lot area shall be twenty acres except for lots of lesser size legally established prior to inclusion in an (R) district, which lots shall not be subdivided while subject to restrictions of the (R) overlay district. (Ord. No. 1278, § 2, 10-3-78.)

Sec. 8-21873. Criteria used to establish district boundaries.

The criteria for establishing the boundaries of an (R) district shall correspond with the service areas and availability of facilities for the following:

- (a) Water service levels as established by the Alameda County Water District.
- (b) Public sewer facilities.
- (c) Within acceptable service response time areas for fire and police.
- (d) Accessibility and circulation provided by adequately acceptable public or private streets and highways. (Ord. No. 1278, § 2, 10-3-78.)

Sec. 8-21874. Method for removal of land from (R) district restrictions.

The restrictions set forth in section 8-21872 shall be inapplicable when it has been determined by the commission that:

- (a) There is an adequate water service level established by

the Alameda County Water District;

- (b) There will be adequate public sewer facilities to serve the area to be developed;
- (c) The area proposed to be developed is within acceptable service response time for fire and police service; and
- (d) Accessibility and circulation shall be adequately provided by public or private streets or highways meeting city-adopted standards. A parcel of land may be removed from the restriction of the (R) overlay district if the number of potential dwelling units to be developed, combined with the existing and potential development of other properties under the restrictions of the (R) overlay district, and served by the same street access, does not exceed eighty dwelling units. The eighty dwelling unit limitation is not applicable if a second access street meeting city-adopted standards is provided or otherwise guaranteed to the satisfaction of the commission at the time of development. (Ord. No. 1278, § 2, 10-3-78.)

- § 8-21900. Prohibition of dangerous or objectionable elements.
 § 8-21901. Performance standards procedure.
 § 8-21902. Enforcement provisions applicable to other uses.
 § 8-21903. Locations where determinations are made for enforcement of performance standards.
 § 8-21904. Performance of standard regulations.

Sec. 8-21900. Prohibition of dangerous or objectionable elements.

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, of other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition, or element in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises (referred to herein as "Dangerous or objectionable elements"); provided, that any use permitted or not expressly prohibited by this chapter may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence. (Sec. 8-21900, Ord. 87.)

Sec. 8-21901. Performance standards procedure.

Only those uses specified in the I-R, I-P and G-I Districts as subject to performance standards and uses accessory thereto are subject to performance standards procedure specified in sections 8-22600 to 8-22607 of this Code; unless either the building inspector or director of planning has reasonable grounds to believe that the proposed use is likely to violate performance standards, in which event the applicant shall comply with performance standards procedure. (Sec. 8-21901, Ord. 87; Sec. 3, Ord. 477.)

Sec. 8-21902. Enforcement provisions applicable to other uses.

Even though compliance with performance standards procedure in obtaining any permit is not required for a particular use, initial and continued compliance with performance standards is required of every use, and provisions for enforcement of continued compliance with performance standards shall be invoked by the building inspector against any use if there are reasonable grounds to believe that performance standards are being violated by such use. (Sec. 8-21902, Ord. 87.)

Sec. 8-21903. Locations where determinations are made for enforcement of performance standards.

The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent (herein referred to as "at any point"); provided, however, that the measurements necessary for enforcement of performance standards set forth in section 8-21904, subsections (c), (d), (f), and (i), of this Code, shall be taken at different points in different districts in relation to the establishment or use creating the element being measured (herein referred to as "point of measurement") as follows:

(a) In any district except the G-I District; at the lot line of the establishment or use.

(b) In the G-I District: Five hundred feet from the establishment or use, or at the boundary or boundaries of the district, if closer to the establishment or use, or at any point within an adjacent district, except for a G-I or I-R District. (Sec. 8-21903, Ord. 87.)

Sec. 8-21904. Performance of standard regulations.

The following performance standard regulations shall apply to

all uses of property:

(a) *Fire and explosion hazards.* All activities involving and all storage of flammable or explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices, standard in the industry. Burning of waste materials in open fires is prohibited at any point.

(b) *Fissionable, radioactivity or electrical disturbance.* No activities shall be permitted which utilize fissionable or radioactive materials if their use results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewerage systems, and no activities shall be permitted which emit electrical disturbance affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(c) *Noise.* At the points of measurement specified in section 8-21903, subsections (a) and (b) of this Code, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I, after applying the correction shown in Table II. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer, conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, N. Y. and American Standard Specifications for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, N. Y., shall be used)

TABLE I

| Frequency Range Containing Octave Bands in Cycles per Second | Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/cm ² |
|---|---|
| 20-300 | 60 |
| 300-2400 | 40 |
| above 2400 | 30 |

If the noise is not smooth and continuous and is not radiated between the hours of 10:00 P.M. and 7:00 A.M., one or more of the corrections in Table II shall be applied to the octave band levels given in Table I.

TABLE II.

| Type or Location of Operation or Character of Noise | Correction in Decibels |
|---|------------------------|
| 1. Daytime operation only | + 5 |
| 2. Noise source operate less than: | |
| (a) 20% of any one-hour period | + 5 |
| (b) 5% of any one-hour period | + 10 |
| (Apply one of these corrections only) | |
| 3. Noise of impulsive character such as hammering | - 5 |
| 4. Noise of periodic character such as humming or screeching | - 5 |
| 5. Property is located in one of the following zoning districts and is not within 500 feet of any R District: | |
| (a) Any C District or I-R District | + 5 |
| (b) Any A District, C-G District, G-I District, or A-F District | + 10 |

(d) *Vibration.* No vibration shall be permitted which is discernible without instruments at the points of measurement specified in section 8-21903, subsections (a) or (b) of this Code.

(e) *Smoke.* No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringelmann Chart, published by McGraw-Hill Publishing Company, Inc., and copyrighted in 1954 (being a direct facsimile reproduction of a standard Ringel-

mann Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 3 on such chart may be emitted for four minutes in any thirty minutes.

(f) *Odors.* No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air, at the points of measurement specified in section 8-21903, subsection (a) or (b) of this Code, or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors, Table III, "Odor Thresholds," in Chapter 5, "Air Pollution Abatement Manual," copyrighted in 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

(g) *Fly ash, dust, fumes, vapors, gases, and other forms of air pollution.* No emission shall be permitted which can cause any damage to health, animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point. No emissions shall be permitted in excess of the standards specified in Table I, Chapter 5 "Industrial Hygiene Standards, Maximum Allowable Concentrations", of the "Air Pollution Abatement Manual," copyrighted in 1951 by Manufacturing Chemists' Association, Inc., Washington, D. C. In no event shall any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations, exceed 0.3 grains per cubic feet of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred degrees Fahrenheit and fifty per cent excess air.

(h) *Glare.* No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, shall emanate from any establishment or use so as to be visible at the points of measurement specified in section 8-22009(d). This restriction shall not apply to signs otherwise permitted by the provisions of this chapter.

(i) *Liquid or solid wastes.* No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accord with standards approved by the California Department of Public Health or such other governmental agency as shall have jurisdiction of such activities. (Sec. 8-21904, Ord. 87; Sec. 4, Ord. 477; Ord. No. 1211, § 3, 11-3-77.)

ARTICLE 20. PARKING, LOADING AREAS AND
REGULATIONS PERTAINING TO VEHICLE
STORAGE IN VARIOUS DISTRICTS

- § 8-22000. Purpose.
§ 8-22001. Reserved.
§ 8-22002. When off-street parking is required.
§ 8-22003. Required parking spaces by type of use.
§ 8-22004. Loading space requirements.
§ 8-22005. Location of required parking and loading facilities.
§ 8-22006. Parking provided under separate ownership.
§ 8-22007. Mixed or joint use of parking.
§ 8-22008. Commercial and industrial parking areas in residential districts.
§ 8-22009. Development and maintenance of parking and loading areas.
§ 8-22010. Credit for bicycle and motorcycle parking in commercial and industrial zones.
§ 8-22011. Uses not specifically mentioned.
§ 8-22012. Parking of certain vehicles prohibited.
§ 8-22013. Continuing character of obligation.
§ 8-22014. Assessment districts for parking.
§§ 8-22015—8-22017. Reserved.
§ 8-22018. Parking and storage of vehicles and equipment on one- and two-family lots and residential streets.
§ 8-22018.1. Driveway parking and storage for vehicles and equipment otherwise prohibited.

Sec. 8-22000. Purpose.

The purpose of the regulations in this article is to provide for the general welfare and convenience of the public utilizing the various uses located within the city by providing for suitable off-street parking facilities; to insure the safe movement of traffic on the public streets; to protect adjacent residential and institutional uses from the adverse impacts of vehicular traffic and parking congestion generated by various uses; to establish minimum standards for the development of parking areas; and to regulate the location and storage of recreational vehicles. (Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22001. Reserved.

Sec. 8-22002. When off-street parking is required.

In connection with every use, there shall be provided at the time any building or structure is erected, or is enlarged, or whenever a change in use creates an increase in the number of parking spaces required, off-street parking spaces for automobiles in accordance with the requirements herein.

(a) Where a change of use is involved for any lot, structure or building for which parking was not required by ordinance upon the commencement of use of such lot, structure, or building, parking shall be provided for the new use based on

the difference between the parking requirements for the new use as set forth in section 8-22003 and that which would have been required for the previous use if that use would have been subject to the requirements of section 8-22003 at the time of its commencement.

(b) Where a building addition is proposed for an existing building for which parking was not required at the time of construction, the required parking for the addition shall be based on the floor area or other basis of measurement prescribed by section 8-22003 for the proposed addition.

(c) Where off-street parking was provided in the absence of any ordinance requirement, such parking shall remain and additional off-street parking shall be provided as required by subsections (a) and (b). In such instances the overall off-street parking requirements shall not exceed the number of spaces prescribed by section 8-22003.

(d) Additions to existing single-family dwellings shall not be required to comply with subsection (b) above. (Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22003. Required parking spaces by type of use.

The number of off-street parking spaces required for each use shall be as stipulated in the following section. In computing the number of off-street parking spaces required, a fractional space of 0.5 space or more shall be counted as one space.

(A) Residential Uses:

- (1) Dwellings, single-family, duplexes—2 covered for each family or dwelling unit.
 - (a) Dwellings, single-family (excluding condominiums), where parking and unparking movements occur directly from and into private vehicle access ways—2 covered, plus 0.5 uncovered.
- (2) Dwellings, apartments (including condominiums):
 - (a) Senior citizen dwellings—0.5 covered, plus 0.5 uncovered.
 - (b) All apartments, including condominiums—1.5 covered, plus 0.5 uncovered.
- (3) Mobile home—2 per mobile home space.
- (4) Mobile home park community building—1 per 10 mobile home spaces.
- (5) Mobile home park visitor parking—1 per 5 mobile home spaces located no further than 400 feet from the mobile home spaces to be served.
- (6) Rooming houses and lodging houses—1 for each guest room.

(B) Business Uses:

- (1) Entertainment and recreation:
 - (a) Theaters, auditoriums and sports arenas or stadia, including school auditoriums and stadia—For all fixed seating capacity, 1 for each 4 seats; theaters in shopping centers, 1 per 8.5 seats.
 - (b) Dance halls and exhibition halls, without fixed seats for floor area devoted to public assembly of activity—1 for each 100 square feet floor area devoted to the principal activity.
 - (c) Billiard and pool rooms—2 per table.

- (d) Bowling alleys—3 for each alley except when in a shopping center which includes a supermarket, when it shall be 2 per alley.
 - (e) Golf courses—4 per hole, plus required spaces for restaurants and cocktail lounges.
 - (f) Health spas and gymnasia—10 plus 1 for each 200 square feet floor area in excess of 1,000.
 - (g) Public swimming pools and private swim clubs—20 per pool (not including wading pools or whirlpool baths), plus 1 for each 200 square feet of cabana floor area in excess of 1,000 square feet except where membership is restricted to the immediate neighborhood, a minimum of 5 parking spaces shall be provided.
 - (h) Public tennis courts and private tennis clubs—2 per court, plus 1 for each 200 square feet of clubhouse floor area in excess of 1,000 square feet.
 - (i) Skating rinks—1 for each 200 square feet of floor area devoted to the principal activity.
- (2) Service uses:
- (a) Finance, savings and loan institutions, insurance, real estate, business, professional and other offices (except those otherwise designated herein)—0 to 20,000 square feet floor area, 1 for each 300 square feet floor area, plus 1 for each 500 square feet floor area in excess of 20,000 square feet.
 - (b) Banks (commercial)—1 for each 200 square feet.
 - (c) Personal services:
 - 1. Self-service laundry and dry cleaning—1 for each 3 machines.
 - 2. Dry cleaning, pickup—3, plus 1 for each 500 square feet over 1,000.
 - (d) Repair services, wearing apparel, motor vehicle, appliance and furniture—5, plus 1 for each 800 square feet floor area in excess of 3,000 square feet.
 - (e) Professional services:
 - 1. Medical and dental offices and clinics—1 for each 200 square feet floor area.
 - 2. Hospitals, general—1 per 1.5 beds.
 - 3. Hospitals, extended care—1 per 2 beds.
 - 4. Hospitals, convalescent (or nursing home)—1 per 5 beds.
 - 5. Veterinarians, animal and veterinary hospitals—1 for each 250 square feet of floor area exclusive of boarding areas.
 - 6. Laboratories, when a primary use—4, plus 1 for each 300 square feet in excess of 1,000 square feet.
 - (f) Educational services:
 - 1. Child care nurseries—3, plus 1 for each 10 children over a capacity of 15.
 - 2. Libraries—10, plus 1 for each 200 square feet over 1,000.
 - (g) Schools:
 - 1. Elementary, junior high—1 per employee.
 - 2. High—1 per employee plus 1 per 7 student classroom seats.
 - 3. College or university—1 per 3 student classroom seats.
 - 4. Trade, vocational and business, not otherwise listed—1 per employee, plus 1 per 3 student classroom seats.
 - 5. Dance schools other than ballrooms—5, plus 1 for each 150 square feet of dance floor area over 500 square feet.
 - 6. Beauty culture schools—3, plus 1 for each operator station.
- (h) Miscellaneous services:
- 1. Churches—For the seating capacity in the principal room or hall in agricultural, open space and residential districts, 1 for each 5 seats; in commercial districts, 1 for each 10 seats.
 - 2. Private clubs, lodges, auction rooms and union halls—For floor area devoted to public assembly 1 for each 50 square feet of floor area if without fixed seats, and 1 for each 5 seats if with fixed seats.
 - 3. Mortuaries, funeral homes and cemeteries—1 for each 5 seats in the 2 largest chapels.
 - 4. Car washes—2.5 for each wash bay.
 - 5. Corporation yard—3, plus 1 for each 20,000 square feet of yard area over 40,000.
 - 6. Hotels and motels—5, plus one for each guest room, plus required spaces for restaurants, retail outlets and other accessory uses.
- (3) Trade:
- (a) Retail stores and personal services not listed elsewhere—0 to 3,000 square feet floor area, 5; 3,000 to 5,000 square feet floor area, 5, plus 1 for each 500 square feet floor area in excess of 3,000 square feet; in excess of 5,000 square feet floor area, 10, plus 1 for each 250 square feet floor area in excess of 5,000 square feet.
 - (b) Retail furniture and appliance stores; retail machinery and equipment sales; motor vehicle sales—area devoted to retail, office, service or display of goods, 5, plus 1 for each 800 square feet floor area in excess of 3,000 square feet.
 - (c) Food stores—1 for each 200 square feet of floor area.
 - (d) Building materials sales where lumber is sold—10, plus 1 for each 120 square feet sales area devoted to hardware and paint items in excess of 1,000 square feet, and 1 per 750 square feet of warehouse area open to the public.
 - (e) Eating and drinking establishments with or without entertainment (except those otherwise designated)—1 for each 3.5 seats.
 - (f) Service stations—A minimum of 5, of which at least 1 must be large enough to accommodate a towing vehicle.
 - (g) Drive-in restaurants—A minimum of 25.
 - (h) Agricultural and commercial nurseries—10, plus 1 for each 150 square feet inside sales area over 1,000 square feet, and 1 per 2,000 square feet outside area open to public.
 - (i) Wholesale trade—3, plus 1 for each 250 square feet of office area, and 1 for each 500 square feet of merchandise storage area.
 - (j) Auto wrecking and salvage yards—5, plus 1 for each acre in excess of 5 acres.

(k) Transportation (railroad, bus, air, marine terminals)—1 for each 5 seats in waiting terminals.

(4) Shopping centers—1 for each 250 square feet of gross leasable area exclusive of bowling alleys, movie theaters and skating rinks.

(5) Central business district—The number of off-street parking spaces for uses in the central business district, except for shopping centers, may be reduced by 10 percent from the requirements specified in this section which would otherwise be applicable. (Ord. No. 1198, § 1, 9-13-77.)

(C) Manufacturing Uses:

(1) Manufacturing, steel fabricating, warehousing and similar uses—1 for each 200 square feet of office area and 1 per 800 square feet of indoor product storage and manufacturing areas.

(2) As an alternative to the requirement of paragraph (1), the community development director may require 1 parking space for each 2 employees if he finds that the use is reasonably likely to continue for at least 10 years and that it is reasonably certain that a reasonably stable number of persons will be employed. (Ord. No. 1021, § 1, 1-7-75; Ord. No. 1198, § 1, 9-13-77.)

Sec. 8-22004. Loading space requirements.

In any district, in connection with every building or part thereof hereafter erected or having a floor area of ten thousand square feet or more, which is to be occupied for manufacturing, storage, warehousing, a hospital, or other uses similarly requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained at least one off-street loading space plus one additional such loading space for each additional twenty thousand square feet built or added in excess of ten thousand square feet.

Such spaces shall be no less than fourteen feet by thirty feet with a fourteen-foot minimum height clearance and a minimum thirty-foot docking approach, but shall not be a part of any area used for off-street parking purposes. (Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22005. Location of required parking and loading facilities.

(a) The off-street parking facilities required for the uses mentioned in section 8-22003 and for other similar uses pursuant to section 22011, shall be on the same lot as the structure or use they are intended to serve. When practical difficulties, as determined by zoning administrator, prevent their establishment upon the same or immediately adjacent lot, they may be located within four hundred feet of the premises to which the parking requirement pertains, provided such parking area meets all other requirements of this Code. In no event shall the required parking for residential dwellings be located elsewhere than on the premises for which such parking is required. The off-street loading facilities required for the uses mentioned in this article, and for other similar uses, shall in all cases be on the same lot as the structure they are intended to serve. Space for required off-street parking and loading shall not occupy any part of any required yard adjacent to a street, except as otherwise provided in district regulations or this article. Where open, parking areas may be included as part of a required open space for rear or side yard, subject to other provisions of this article and chapter and approved by the development organization.

(b) *Guest and camper, boat, trailer parking:* Guest parking referred to in section 8-22003 shall generally be located near each principal entrance and at other areas deemed appropriate by the development organization. Guest spaces shall be marked with the word "Guest". Guest parking spaces shall not be used by tenants nor shall vehicles other than operational motor vehicles be parked in the spaces. No signs shall be erected restricting guests from parking in properly marked off-street guest spaces. Camper, boat and trailer parking spaces referred to in section 8-22003 shall generally be located and screened so as not to be visible from public street, subject to development organization review and approval. (Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22006. Parking provided under separate ownership.

If a use requiring parking space is in one ownership and all or part of the required parking space provided is in another ownership, the property owners involved shall submit a legal agreement approved by the city attorney as to form and content guaranteeing that said required parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of this article. (Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22007. Mixed or joint use of parking spaces.

(a) In the case of mixed uses occurring on a single parcel under one ownership, if said mixed uses do not constitute a shopping center as defined under section 8-22001(c), the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately as specified in this article, and the off-street parking and loading spaces for one use shall not be considered as providing the required off-street parking and loading space any other use.

(b) The planning commission may authorize the joint use of parking facilities for uses or activities not located in shopping centers as defined under section 8-22001(c) if it finds that the normal hours of operation of such uses or activities do not substantially coincide or overlap with each other. Joint use parking shall be subject to the following limitations and conditions:

(1) No more than fifty percent of the parking spaces required for a building or use may be supplied by parking facilities required for any other building or use.

(2) The applicant shall submit sufficient data to indicate that there is not substantial conflict in the principal operating hours of the uses proposing to make use of the joint parking facilities.

(3) The property owners involved in the joint use of off-street parking facilities shall submit a legal agreement approved by the city attorney as to form and content guaranteeing that said required parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of this article. Such instrument, when approved as conforming to the provisions of this section, shall be recorded by the property owner in the office of the county recorder and a copy thereof filed with the community development department. (Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22008. Commercial and industrial parking areas in residential districts.

A parking area for a commercial and industrial use located on a separate lot to be used exclusively by passenger vehicles may be permitted in residential districts if authorized by the planning commission through the approval of a conditional use permit. Said parking area shall be subject to the following minimum requirements in addition to those elsewhere specified in this chapter.

(a) *Accessibility of parking area:* The parking area shall be accessory to one or more uses located on an immediately adjacent lot and access to said lot shall not occur from the residential street.

(b) *To be used only for parking passenger automobiles:* Said parking area shall be used solely for the parking of passenger automobiles.

(c) *Signs:* No signs of any kind, other than signs designating entrance, exits and conditions of use, shall be maintained on such parking areas. Said signs shall not exceed four square feet in size and the number and location shall be approved by the development organization prior to installation.

(d) *Additional requirements or conditions:* In addition to the above requirements, such parking area shall comply with such further requirements or conditions as may be prescribed by the planning commission for the protection of the residential district in which such parking lot is to be located.

(e) *Overnight parking prohibited, exception:* Overnight parking is prohibited unless said parking lot is completely enclosed by a barrier approved by the development organization and is locked and limited to passenger automobiles. (Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22009. Development and maintenance of parking and loading areas.

Every lot hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

(a) *Screening:* The purpose of this subsection to provide adequate visual screening of vehicles from adjacent residential lots and from the public street. The development organization shall implement such screening by requiring walls and landscaping in accordance with the following guidelines:

- (1) Any off-street parking and circulation area for more than five vehicles utilizing a common access which is adjacent to a side or rear lot line of a lot in a residential district or designated for residential use on the general plan shall be screened by a wall not less than six feet nor more than eight feet in height. The development organization may authorize a wall not less than four feet in height, when grade differentials between the properties indicate that a six-foot wall would not provide a greater visual screening than a four-foot wall.
- (2) Any off-street parking and circulation area for more than five vehicles utilizing a common access and located within fifty feet of a public street shall be screened from the public street by landscaping and a wall no higher than three feet in height.
- (3) A landscaped berm equal in height to a required wall may be substituted for a wall if no slope is steeper than four feet horizontal to one foot vertical and drainage

from said slope is directed away from paved areas or sidewalks.

- (4) All walls required by this article shall be of masonry construction of a decorative design approved by the development organization. The wall separating a parking area from a public street shall be uniformly perforated by openings not less than eight inches by eight inches in size for approximately thirty percent of the wall facade to permit police surveillance. The term "masonry construction" as used herein shall mean a wall composed of masonry, concrete or rock or masonry and wood materials of a minimum two-inch thickness, with the masonry constituting more than two-thirds of the wall and the wood serving as an accent material.
- (5) The development organization may delete the wall requirements when the parking area is to be used for commercial displays as provided for in the zoning district.
- (6) Where a required wall between a parking area and a public street is pierced by access drives, the wall shall extend along the driveway a minimum of eight feet.
- (7) Where a wall is required to screen a parking and circulation area from a public street, the wall shall be located immediately in front of said parking and circulation area.
- (8) In lieu of a required masonry wall pursuant to paragraph (2) a landscaped treatment may be substituted in accordance with the following requirements:

The landscaping shall be designed and constructed to provide a basic screen of five-gallon size shrubs, tall growing broadleaf evergreen or conifer type, formally or informally arranged depending on the size and configuration of area for landscaping. In addition, a ground cover, flatted stock twelve-inch o.c., and filler shrubs, minimum five-gallon size, broadleaf or conifer types, shall be used to achieve a full complete interesting planting when space permits. Minimum fifteen-gallon size trees shall also be used to attain some vertical mass. Trees may be planted in small lineal groupings or straight line formal arrangement.

All planting herein described shall be watered by an automatic irrigation system for which complete plans shall be drawn and submitted for approval.

The planting plan showing type, size and botanical name shall be subject to approval by the park superintendent.

- (9) Other provisions of this section notwithstanding, where the adjacent residential district parcel is designated on the general plan for a use other than residential, the development organization may waive the requirement that the screening wall be of masonry construction, and where such parcel is not developed for residential use, the development organization may waive the screening wall requirement entirely.
- (b) *Minimum distances and setbacks:*
 - (1) No part of any parking area shall be situated within any yard area adjacent to a street unless specifically permitted by the regulations governing a particular district. In the C-O, C-I, C-N, C-T and C-G districts, parking may occupy the yard adjacent to streets to within ten feet of the property line.

(2) A minimum six-foot-wide area between any off-street parking area and any interior lot line abutting lots in residential districts or designated for future residential use on the general plan shall be landscaped with fast growing trees, shrubs and ground covers.

(3) Where no other yard area is required adjacent to the public street, a minimum setback of six feet from the street lot line shall be required and shall be landscaped.

(4) In all instances where the development organization determines that parking and unparking movements may occur from and into the street right-of-way, the parking spaces causing such movements shall have a minimum setback of fifteen feet, which shall be landscaped.

(c) *Surfacing:* Every off-street parking, loading and driveway area shall be paved with asphaltic or portland cement concrete, and except for single-family and two-family developments on individual lots, shall be bounded by concrete curbs six inches in height. The area shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The foregoing requirements with respect to surfacing shall not apply to a parking area in any A District, or OS District, or an A-F District, if said parking area is more than five hundred feet distant from any R District or to corporation and recreational vehicle storage yards, except that a dustless surface shall be provided in every case. Provided further, that a parking area, pursuant to section 8-22018, located in a side yard or rear yard of a lot developed with a single-family or two-family dwelling shall not be subject to the requirements of the preceding paragraph.

(d) *Lighting:* Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from the adjoining lots in any R District and public rights-of-way.

(e) *Landscaping:*

(1) Landscaping and paved areas required by this article shall be maintained in good condition. All landscaped areas shall be provided with an approved irrigation system approved by the development organization.

(2) Large areas of parking pavement shall be given visual relief by interspersing of landscaped pockets in unneeded areas e.g., the ends of parking aisles. Open or carport parking areas in multiple-dwelling developments shall be divided into areas including no more than ten abutting parking spaces with intervening areas landscaped with trees and ground cover.

(3) A landscaped planter consisting of a minimum width of thirty-six inches and provided with an approved irrigation system shall be installed contiguous to all parking spaces except for that portion required for ingress and egress and where the front of a parking space abuts the front of an adjacent parking space. Planters may be omitted to provide driveway access to existing or future adjoining parking areas or where landscaped required yards are provided. Where parking spaces along a perimeter are at an angle of sixty degrees or less, the areas directly in front of each space may be substituted for the required thirty-six-inch wide planter.

(4) Parking areas shall have trees of a five-gallon or larger size installed in the following ratios:

a. Parking along the perimeter of a site, one tree per three spaces. Such trees shall be distributed

along the perimeter. Where parking spaces under separate ownership are contiguous to each other along a property line, such spaces shall be provided trees in the same ratio as required in subsection b.

b. Parking not located along the perimeter of the site, one tree per ten spaces. Such trees shall be distributed within the parking area other than the perimeter.

(f) *Wheel stops:* Wheel stops shall be installed at least thirty inches from an adjacent sidewalk, fence or wall. Such stops shall be either a concrete piece at least thirty-six inches long and affixed to a foundation by epoxy cement, or a continuous concrete curb. The development organization may eliminate this requirement if other appurtenances or design features prohibit a vehicle from obstructing a sidewalk or making contact with a wall or fence.

(g) *Parking area details:*

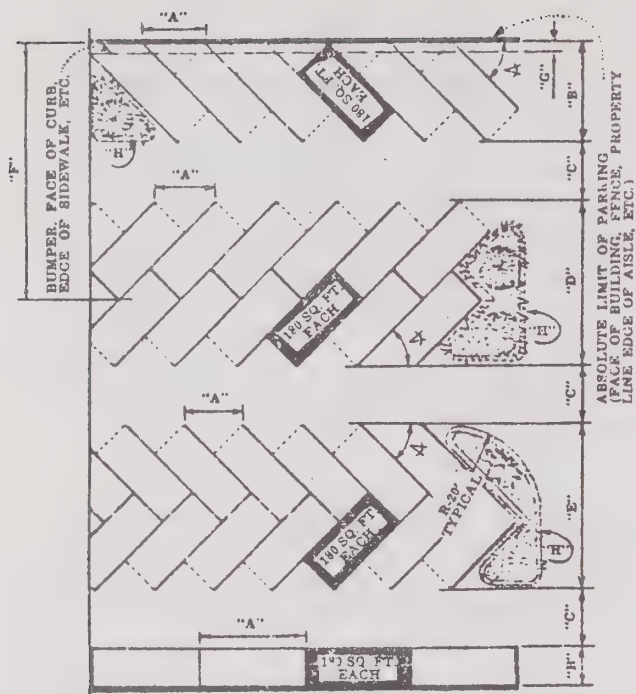
(1) Open parking stall dimensions shall not be less than nine feet by twenty feet.

(2) An inside wheel radius of at least ten feet shall be provided in all changes in driveway aisle direction, except the inside wheel radius shall be at least twenty feet at the intersection of two major driveway aisles or when the development organization determines that such radius is necessary for emergency vehicle movements.

(3) Enclosed or covered parking stall dimensions for single-family dwellings (excluding condominiums) where parking and unparking movements occur directly from and into private vehicle access ways shall be not less than nine feet by twenty feet; single openings shall be not less than nine feet wide; double (unobstructed) openings shall be not less than sixteen feet wide.

(4) When a parking area for a public accommodations use exceeds twenty-five spaces, two percent of all spaces shall be designed to adequately accommodate the physically handicapped.

(5) The following details shall be considered minimum requirements: The development organization may, when deemed necessary to accommodate an attendant use, due to lot configuration or other physical limitations, adjust the aisle width, the depth of stall or the width of stalls, provided that the resultant parking arrangements will provide the service and ease of access equal to the minimum requirements. The development organization may also permit the substitution of compact car stalls, the minimum dimensions being eight feet by sixteen feet, provided no more than fifteen percent of the required spaces shall be so designated and such stalls are readily identified.



- "A" PARKING ANGLE.
 "B" CURB LENGTH PER CAR.
 "C" DEPTH OF STALL.
 "D" AISLE WIDTH.
 "E" TOTAL DEPTH OF TWO STALLS INTERLOCKED AT ANY ANGLE.
 "F" TOTAL DEPTH OF TWO STALLS IN A 45° HERRINGBONE PATTERN = "D" AT 45°.
 "G" TOTAL DEPTH OF TWO STALLS SEPARATED BY AISLE.
 "H" TWO FEET MAXIMUM (INCLUDED IN AREA CALCULATION).
 "I" TYPICAL CURBED POCKETS FOR LANDSCAPING AS REQUIRED BY THE DEVELOPMENT ORGANIZATION.

MINIMUM DIMENSIONS BASED ON A 9' X 20' PARKING STALL

(EXCEPT FOR 0 DEGREE PARKING ANGLE)

| | One-Way Traffic | | Two-Way Traffic | | One-Way Traffic | | Two-Way Traffic | |
|-----------|-----------------|--------|-----------------|--------|-----------------|--------|-----------------|--------|
| "A" | "B" | "C" | "C" | "D" | "E" | "F" | "F" | "F" |
| (degrees) | (feet) | (feet) | (feet) | (feet) | (feet) | (feet) | (feet) | (feet) |
| 0 | 22.5 | 8.0 | 12 | 20 | — | 28.0 | 36.0 | |
| 20 | 26.3 | 15.3 | 12 | 20 | 22.1 | 42.6 | 50.6 | |
| 25 | 21.3 | 16.6 | 12 | 20 | 25.0 | 45.2 | 53.2 | |
| 30 | 18.0 | 17.8 | 12 | 20 | 27.8 | 47.6 | 55.6 | |
| 35 | 15.7 | 18.8 | 12 | 20 | 30.2 | 49.6 | 57.6 | |
| 40 | 14.0 | 19.8 | 12 | 20 | 32.7 | 51.6 | 59.6 | |
| 45 | 12.7 | 20.5 | 12 | 20 | 34.6 | 53.0 | 61.0 | |
| 50 | 11.7 | 21.1 | 12 | 20 | 36.4 | 54.2 | 62.2 | |
| 55 | 11.0 | 21.5 | 12 | 20 | 37.8 | 55.0 | 63.0 | |
| 60 | 10.4 | 21.8 | 15 | 20 | 39.1 | 58.6 | 63.6 | |
| 65 | 9.9 | 21.9 | 17 | 21 | 40.0 | 60.8 | 64.8 | |
| 70 | 9.6 | 21.9 | 20 | 22 | 40.7 | 63.8 | 65.8 | |
| 75 | 9.3 | 21.6 | 23 | 23 | 40.9 | 66.2 | 66.2 | |
| 80 | 9.1 | 21.3 | 24 | 24 | 41.0 | 66.6 | 66.6 | |
| 85 | 9.0 | 20.7 | 24 | 24 | 40.6 | 65.4 | 65.4 | |
| 90 | 9.0 | 20.0 | 24 | 24 | 40.0 | 64.0 | 64.0 | |

"E" = "D" at 45°

(h) *Loading space and screening:* No such space shall be located closer than fifty feet to any lot in a residential district or designated for future residential use on the general plan or institutional uses, unless such space is wholly within a completely enclosed building or screened by a fence or wall not less than eight feet in height.

(i) *Plan of required off-street parking and/or loading areas:* Plans for parking and loading spaces shall be submitted to the development organization for approval. All plans shall be clearly dimensioned to indicate adequate space for parking maneuvers, ingress and egress to and from public right-of-way and to and from the parking and loading areas. The plans shall also contain all required screening, landscaping, wheel stops, lighting and other details as required by this article.

(j) *Access to parking spaces:* There shall be adequate provisions for ingress and egress to all parking spaces, bicycle and motorcycle storage spaces. There shall be provided an access drive not less than twelve feet in width in the case of one-way traffic, and not less than twenty feet in width in all other cases, leading to the parking or storage areas or loading or unloading spaces required hereunder, in such manner as to secure the most appropriate development of the property in question. Access drives serving commercial/industrial uses shall not be permitted in any R District. Ingress and egress across public right-of-way shall be made possible without the necessity of backing over the same except for property devoted exclusively for one- and two-family dwellings located on individual lots. One- and two-family dwellings not served by private vehicle access ways shall have driveways with a minimum length of twenty feet measured from the public right-of-way.

(k) *Maintenance:* Standards and conditions of section 8-22009 shall be maintained and all surfacing and lighting shall be in good repair, landscaping shall be free of weeds and property watered, and walls and screening kept in good repair, free of broken or missing parts or graffiti. (Ord. No. 1021, § 1, 1-7-75; Ord. No. 1075, § 1, 11-25-75; Ord. No. 1110, § 1, 3-3-76; Ord. No. 1120, § 17, 11-2-76; Ord. No. 1136, §§ 1, 2, 1-25-77; Ord. No. 1198, § 2, 9-13-77.)

Sec. 8-22010. Credit for bicycle and motorcycle parking in commercial and industrial zones.

Where bicycle spaces or motorcycle spaces are provided for uses in commercial and industrial districts, parking spaces otherwise required pursuant to section 8-22003 may be omitted in accordance with the following provisions and subject to the following limitations:

(a) One parking space may be omitted for each eight bicycle spaces provided.

(b) One parking space may be omitted for each two motorcycle spaces provided.

(c) Bicycle spaces shall measure at least two feet by seven feet and shall be located in groups of four and be equipped with locking devices for each bicycle. Bicycle spaces shall be located where access to such spaces is not hampered by physical barriers or parked vehicles.

(d) Motorcycle spaces shall measure four feet by eight feet and shall be provided with adequate unobstructed maneuvering areas to permit easy access to the space.

(e) In no instance shall credit for motorcycle or bicycle parking or combination thereof exceed five percent of the total required parking spaces. (Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22011. Uses not specifically mentioned.

The provisions for parking and loading spaces for uses not specifically mentioned in section 8-22003 shall be as determined by a finding by the commission based on uses which create similar demands for off-street parking and loading spaces. (Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22012. Parking of certain vehicles prohibited.

No commercial vehicle in excess of three tons gross unladen vehicle weight (except pickup trucks) shall be parked or stored on any lot in a residential district or an S District designated for residential use in the general plan; provided, however, that this section shall not prohibit temporary parking of any such vehicle while making pickups, deliveries, or providing services for the residents of the lot on which the vehicle is parked. (Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22013. Continuing character of obligation.

The schedule of requirements for off-street parking space and off-street loading space of this article shall be a continuing obligation of the owner of the lot on which the use or uses requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any lot affected by this article to discontinue or dispense with, or to cause the discontinuance of the required vehicle parking or loading space, without establishing alternative parking or loading space which meets with the requirements of this article or for any person to use such lot without acquiring such land for vehicle parking or loading space which meets the requirements of and is in compliance with this article. Any revision to a parking area, its landscaping, lighting, marking or access drives shall be subject to the development organization approval. (Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22014. Assessment districts for parking.

(a) *Exemptions:* Whenever, pursuant to the provisions of this section, public off-street parking facilities are established by means of a special assessment district, or by any other means which the city council may determine, all existing buildings and uses, and all buildings erected or uses established thereafter within the special assessment district, or other district which the city council may have determined, shall be exempt from the requirements of this section for privately supplied off-street parking facilities except as hereinafter provided.

(b) *Additional off-street parking facilities:* The planning commission may require additional off-street parking facilities in connection with the occupancy or use of a building in an area which was included in a special assessment district, or in any other district which the planning commission may have determined to be served by public off-street parking facilities in the following cases:

- (1) Wherever the use of a building erected after the establishment of the special assessment district in such an area, or wherever the establishment of public off-street parking facilities, creates the need for an unusual or exceptional amount of off-street parking;
- (2) Wherever alterations, expansion or change in use of a building, occurring after levying of a special parking assessment in such an area, or occurring after the establishment of public off-street parking facilities, creates a need for off-street parking spaces in excess of the

spaces required for such a building or use before the alteration, expansion or change in use.

- (3) No additional parking will be required for the use of buildings, alterations to buildings, or an expansion or change in use if such conditions were anticipated in the formulations of the district and the establishment of off-street parking facilities. (Ord. No. 1021, § 1, 1-7-75.)

Secs. 8-22015—8-22017. Reserved.

Sec. 8-22018. Parking and storage of vehicles and equipment on one- and two-family lots and residential streets.

(a) Parking and storage regulated; general provisions.

(1) General. The parking and storage of vehicles and equipment upon certain residential lots and streets shall be governed by the regulations prescribed in this section (in addition to other applicable provisions of this article and chapter).

(2) Definitions. Several words and phrases or terms used in this section are defined in article 1 of this chapter, including "vehicle," which is one of two major categories of personal property regulated pursuant to this section. The other major category of personal property regulated is "equipment," which is not defined in article 1 but for the purposes of this section is defined as follows:

"Equipment" shall mean any large item of nonvehicular personal property owned or possessed by an occupant of a single family or two family dwelling, which the occupant may desire, for convenience, to store on the lot the dwelling is located, but which item is normally and principally transported for use off the lot upon a trailer or other vehicle, and is not used, by the very nature and utility of the item, in connection with customary accessory residential uses on the lot.

Included in the meaning of "equipment" are such large items of equipment as campers, boats, hang gliders, ice boats, air gliders and other aircraft, physically capable of being located on the lot in conformance with the provisions of this section, and which may be legally transported on streets upon a trailer, or other vehicle. (Such equipment is commonly, but not necessarily or exclusively, used for recreational purposes.) Also included are large items of equipment such as commercial type trash bins and containers, which are legally transportable on vehicles and are used on the lot for temporary purposes thereon related to the residential use of the lot.

The phrase "large item" means, to the extent that the examples given herein do not define the phrase, an item which is not smaller in length or general size or bulk than any vehicle

which may be legally licensed to be driven or drawn on the streets.

Excluded from the meaning of "equipment" are household goods and other personal property maintained on the lot and which are ordinarily accessory to the principal residential use of a dwelling on a lot.

(3) Administrative regulations. The city manager may establish supplemental administrative regulations to aid in the administration and enforcement and to carry out the purposes and intent of the provisions of this section.

(4) Violation. No person shall violate any provision of this section or of any administrative regulation established thereunder.

(b) *Lots and streets subject to regulation.* The following lots and streets are subject to the parking and storage regulations of this section:

(1) Residential district lots. Any lot developed with a single family or two family dwelling in any residential district is subject to all the provisions of this section applicable to lots.

(2) Residential streets. Any street abutting a block upon which is situated one or more lots abutting such street, developed with a single family or two family dwelling in a residential district, is subject to the provisions of this section applicable to streets, in particular subsection (g). For the purposes of this section "street" includes "alley".

Pursuant to the foregoing, the street parking regulations apply not only to the portion or portions of the street immediately abutting one and two family developed lots, but also to any portion on either side of the street on the block (the nearest intersecting streets defining the termini of a block) which abuts undeveloped lots or lots developed with other uses, including multiple dwelling; provided, that the street parking regulations shall not apply to any portion of the street on the block, if any, which abuts a lot (developed or undeveloped) which is not in a residential district, unless such lot is designated for residential use in the general plan or is used for a nonconforming residential use.

(3) Nonconforming residential lot use. Any lot developed with a building used for single family or two family dwelling purposes (whether or not such building was originally designed as a dwelling or is used exclusively as a dwelling), and which lot is not located in a residential district, is not adjacent to any other lot in a residential district, and does not abut a residential street, is subject only to certain provisions of this section, as follows:

- (i) If the lot is not designated for residential use on the general plan, any parking or storage of vehicles and equipment in a side or rear yard of the lot shall conform with the provisions of subsection (d) prohibiting parking or storage within five feet of any door, window or other opening.
- (ii) If the lot is designated for residential use in the general plan, parking and storage in a side or rear yard shall conform with all the provisions of subsection (d), and any other improvements constructed at any location on the lot for parking and storage shall conform to all regulations which would be applicable to the lot if located in a residential district.
- (iii) If the lot abuts a street abutting a block upon which is situated one or more other lots, abutting such street,

developed with a single family or two family dwelling in a residential district, then such (nonconforming residential use) lot is subject to the provisions of this section applicable to streets [referred to in paragraph (2) of this subsection], and to the provisions of this section applicable to driveway parking (regardless of whether such lot is or is not designated for residential use in the general plan).

The limited application of the provisions of this section to nonconforming residential uses shall terminate and parking and storage on the lot shall conform with all the provisions of this section, within ninety days of the occurrence of one of the following events:

- (i) A lot or lots adjacent to the nonconforming lot becomes zoned to a residential district;
- (ii) The nonconforming lot is itself rezoned to a residential district.

Nothing herein shall limit or change the application of district regulations applicable to the lot, or limit or change the nonconforming status of the residential use on the lot.

(c) *Garages and carports.* Any vehicle and any equipment may be parked or stored within a private garage or carport.

(d) *Side and rear yards.*

(1) Any vehicle and any equipment may be parked or stored within a side or rear yard parking and storage area, subject to the conditions and limitations set forth in this subsection.

(2) No vehicle or equipment shall exceed in height the height regulations of the district applicable to the lot, determined as follows: If the parking area is located in an area of the lot where a principal building (dwelling) is allowed to be located (that is, in yard area not required pursuant to the regulations of this chapter), but such building has not been extended into such area, then the height regulations applicable to such principal building shall apply to the vehicle or equipment provided such vehicle does not exceed the height of the existing dwelling. If the parking area is located elsewhere in the side or rear yard, the height regulation applicable to accessory buildings on the lot shall apply to the vehicle or equipment regardless of the location or height of any existing accessory building.

(3) No vehicle or equipment shall be parked or stored within any distance and space between the vehicle or equipment and any door, window or other opening of the dwelling which provides light, air, entrance to or exit to the dwelling necessary to or serving significantly the health, safety and general welfare of occupants of the dwelling or lot. Unless administrative regulations or findings made thereunder permit otherwise, the distance and space to be maintained shall be five feet, determined by measurement from the nearest edge of each such opening to the nearest point of the vehicle or equipment.

(4) The ground area of any such parking and storage area (or if there is more than one such area the total ground area of all such parking areas) shall not occupy more than twenty per cent of the required rear yard area prescribed by the district and other regulations of this chapter applicable to the lot; provided, that no part of the required rear yard of a through lot shall be occupied if the rear lot line abuts a street, unless such street is an alley.

(5) No vehicle or equipment shall be parked or stored in

any part of the required street side yard (of a corner lot) prescribed in the district and other regulations of this chapter applicable to the (corner) lot.

(6) No vehicle or equipment shall be parked or stored within five feet of the rear lot line or within three feet of the side lot line. Provided, that such distance or space clearance requirements shall not apply where a wall, of one hour fire resistive material, is constructed on the lot line adjacent to the parking area or between the parking area and the lot line, subject, however, to the screening requirements of subsection (f), and any height limits for walls applicable at the location of such wall.

(7) Any vehicle or equipment parked or stored in a side or rear yard shall be screened from adjacent lots and streets pursuant to subsection (f).

(e) Driveways.

(1) Motor vehicles not exceeding twenty-five (25) feet in length may be parked or stored upon a driveway, subject to the limitations of this subsection.

(2) The following shall not be parked or stored upon a driveway: any motor vehicle exceeding twenty-five feet in length, any commercial vehicle or motor truck unless such vehicle is a passenger vehicle, any nonmotorized vehicle (attached or unattached to a motor vehicle), any equipment; provided that any vehicle and any equipment may be temporarily parked or stored upon a driveway for the purposes of loading or unloading of persons or personal property, or for the preparation of the vehicle or equipment in connection with the commencement of or return from a planned trip, outing or vacation. No such parking or storage shall exceed four hours within any twenty-four hour period.

(3) Location restrictions: No vehicle or equipment or portion thereof shall be parked or stored within any part of a front yard, or street side yard (on a corner lot), which is not a driveway. No vehicle or equipment shall be parked or stored in a manner such that a portion thereof overhangs any part of a front yard, or street side yard (on a corner lot), which is not a driveway.

Vehicles and equipment shall be parked, placed, or stored on a driveway so that the side of such vehicle or equipment is substantially parallel to the edge of the driveway.

No vehicle or equipment shall be parked or stored upon any part of a driveway, commencing at a front or side street lot line, extending into any side yard area beyond or behind the side of the principal building on the lot facing the street from which the driveway commences.

No vehicle or equipment shall be parked or stored upon a driveway commencing at a rear lot line (on a through lot), unless such driveway provides the sole vehicular access to the lot, in which event parking or storage in any part of such driveway extending into any side yard area shall be subject to the limitations on driveways commencing at a front or side street lot line.

Subject to the foregoing limitations of this paragraph applicable to side yard parking, if the driveway extends beyond and outside the required front yard, or street side yard (on a corner lot), or rear yard (on a through lot), vehicles and equipment parked or stored on such driveway shall be parked or stored outside such required yard area to the extent physically possible.

No vehicle or equipment shall be parked or stored in any sidewalk or other area of the street at the entrance of the driveway to the lot, except to the extent that it is necessary to temporarily leave a vehicle standing in such area in order to open or close a door or other enclosure to a garage, carport or parking area on the lot, or to accomplish other similar necessary actions incidental to the ingress or egress of the vehicle to or from the lot, provided that any such temporary standing of a vehicle in any such area of the street is not a hazard to pedestrians, motorists or vehicles on the street and is not in violation of any traffic or street parking regulation imposed pursuant to this Code or the California Vehicle Code.

(f) Screening.

(1) Any vehicle or equipment parked or stored within a carport or parking area located in a side or rear yard shall be effectively screened from adjacent lots and streets by a fence, wall, gate, door, hedge, trees, other plant material, landscaping or combination of such items. Any trees planted for such purpose shall be of a minimum "five gallon" size of a species which has a recognized rapid capacity for growing dense foliage and for growing to a height of twelve feet or more. Provided, that the location and height of any fence, wall or hedge at lot lines, and of any structure upon the lot, shall conform to all other regulations of this chapter applicable to the lot, including section 8-22206.

(2) The screening requirements of paragraph (1) shall be applicable to any vehicle or equipment parked or stored in a carport located in a front yard, which vehicle or equipment is not permitted to be regularly parked on a driveway in such front yard pursuant to subsection (e).

(3) Any door, gate or other enclosure to a private garage, carport or parking area, which enclosure provides screening from adjacent lots and streets for any vehicle or equipment parked or stored therein which is not permitted to be regularly parked within a driveway pursuant to subsection (e), shall be kept closed except when opening such enclosure is necessary to obtain access to such parking area.

(g) Residential streets.

(1) Notwithstanding any provision of this subsection to the contrary, the parking of any vehicle on a street remains subject to regulation of parking established pursuant to this Code or the California Vehicle Code.

(2) Any motor vehicle not exceeding twenty feet in length, except a commercial vehicle or motor truck which is not a passenger vehicle, is exempt from the provisions of this subsection.

(3) No equipment or other nonvehicular property, and no nonmotorized vehicle unattached to a motor vehicle, shall be parked or stored in any residential street subject to subsection (b) (2) of this section.

(4) Any vehicle [not otherwise exempt pursuant to paragraph (2)], except a nonmotorized vehicle unattached to a motor vehicle [prohibited pursuant to paragraph (3)], may park on any street subject to subsection (b) (2) of this section, between the hours of 6:00 a.m. of one day to 2:00 a.m. the next day (a twenty hour period), without restriction pur-vehicle may be restricted or prohibited from being parked on suant to this subsection, and notwithstanding that any such vehicle may be restricted or prohibited from being parked on a driveway pursuant to subsection (e).

(5) Except as provided pursuant to paragraph (6), no person shall park or leave standing on any street subject to subsection (b) (2) of this section, between the hours of 2:00 a.m. and 6:00 a.m. (a four hour period), any of the following: (i) any motor vehicle exceeding twenty feet in length; (ii) any commercial vehicle or motor truck which is not a passenger vehicle notwithstanding that such vehicle does not exceed twenty feet in length; (iii) any nonmotorized vehicle attached or connected to a motor vehicle, which together exceed twenty feet in length measured from the front of the motor vehicle to the end of the nonmotorized vehicle.

(6) Notwithstanding paragraph (5), a resident of a single family or two family lot located in a residential district subject to the provisions of this section pursuant to subsection (b) (1) thereof may park a vehicle, otherwise prohibited pursuant to said paragraph (5), during the hours of 2:00 a.m. and 6:00 a.m. on a street immediately abutting a street lot line of the lot upon which such resident resides, subject to the following limitations: Such parking shall be for the purpose of convenient departure from or return to the lot by such resident in connection with a planned trip, outing or vacation of the resident (and other residents of the lot) commencing or ending the same day of such departure or return, including any loading or unloading of persons and personal property or for the preparation of the vehicle incidental to such departure or return. Such parking shall in no event extend beyond two consecutive days during such hours, nor more than three days during such hours during any seven day period.

(7) Notwithstanding any provisions of this section, except paragraph (1) of this subsection, no person who is not a resident of the city who parks a vehicle on a street contrary to any provision of paragraph (5) of this subsection, shall be in violation thereof, unless and until such person has been informed of said provisions of said paragraph (5), or is given notice thereof by an authorized representative of the city and a reasonable opportunity to cease and desist any such parking contrary to said provisions. (Ord. No. 871, § 5, 10-26-71; Ord. No. 978, § 7, 2-12-74.)

Sec. 8-22018.1. Driveway parking and storage for vehicles and equipment otherwise prohibited.

(a) Notwithstanding paragraph (2) of subsection (e) of section 8-22018, any resident of a single family or two family lot subject to the provisions of subsection (b) (1) or (b) (3) (iii) of section 8-22018 may park or store upon a driveway of the lot any vehicle and equipment otherwise prohibited pursuant to said section 8-22018 (e) (2), except a commercial vehicle or motor truck which is not a passenger vehicle, subject to the provisions of this section.

(b) The owner-resident shall apply for and obtain a permit from the chief building official prior to the parking or storage of any vehicle or equipment subject to this section. A permit shall be obtained for each such vehicle or equipment and shall be valid only for such vehicle or equipment while parked or stored upon the driveway of the lot for which the permit is granted and only so long as the owner of such vehicle or equipment is a resident of such lot.

(c) The chief building official shall grant the permit if he finds the following facts to exist:

(1) That the vehicle or equipment is physically capable of being parked or stored on the driveway in conformance with all provisions as to location prescribed pursuant to paragraph (3) of subsection (e) of section 8-22018;

(2) That it is physically impossible or impractical to park or store such vehicle or equipment in the side or rear yard pursuant to subsection (d) of section 8-22018 or in a private

garage or carport pursuant to subsection (c) of section 8-22018, by reason of the lot area or lot width, or the size, configuration, or location of the dwelling or other structures on the lot, or by the existence of a tree which exceeds four inches in trunk diameter measured four feet from the natural bearing grade of the trunk.

(3) That the vehicle or equipment will be parked or stored in a safe and orderly manner; special attention shall be given to and special conditions may be attached to the permit to reasonably insure that equipment such as campers and boats stored upon a drive way will not be a hazard to persons entering onto the driveway or persons passing by on a sidewalk or other location proximate to the driveway and such equipment.

If any prior permit or permits have been granted pursuant to this section for driveway parking and storage on such lot which permits remain valid, or if more than one permit is applied for at the same time, the foregoing findings shall be made for all such vehicles and equipment as being parked or stored on the driveway at the same time.

(d) The chief building official shall issue a permit decal or other similar device for each permit granted pursuant to this section, which shall be affixed and maintained on the vehicle or equipment. If the decal is damaged or removed while the permit is valid, the owner shall apply for and obtain a replacement for the decal. The decal shall be removed from the vehicle or equipment when it is no longer valid pursuant to this section.

(e) The city manager may establish administrative regulations to aid in the administration and enforcement of the provisions of this chapter, including additional limitations upon driveway parking and storage more restrictive than expressly set forth in this section or section 8-22018 which are necessary to carry out the purposes and intent of the provisions of both said sections.

(f) Every permit issued pursuant to this section shall expire on January 1, 1980. (Ord. No. 978, § 8, 2-12-74.)

ARTICLE 21. SPECIAL PROVISIONS APPLYING TO
MISCELLANEOUS PROBLEM USES.

- § 8-22100. Reserved.
- § 8-22101. Sign regulations: Objectives and requirements.
- § 8-22101.1. Commercial and industrial districts.
- § 8-22101.2. Commercial districts only.
- § 8-22101.3. Planned signing program.
- § 8-22101.4. Residential districts.
- § 8-22101.5. Agricultural districts.
- § 8-22101.6. All districts.
- § 8-22101.7. Commercial and industrial districts in proximity to freeways and controlled access highways.
- § 8-22101.8. Sign regulations; general limitations and restrictions.
- § 8-22101.9. Signs exempt from permits.
- § 8-22102. Animal feed yards, commercials; animal sales yards, commercial; kennels for dogs or cats, poultry farms.
- § 8-22103. Animal hospitals.
- § 8-22103.5. Repealed by Ord. No. 115, § 11, 10-12-76.
- § 8-22104. Cemeteries, crematories, mausoleums and columbariums.
- § 8-22105. Repealed by Ordinance 629.
- § 8-22106. Community buildings, social halls, lodges, fraternal organizations and clubs.
- § 8-22106.3. Condominium, community apartment, stock cooperative and townhouse projects.
- § 8-22106.5. Construction yards, temporary.
- § 8-22106.6. Nursing homes and convalescent hospitals.
- § 8-22107. Country clubs and golf courses.
- § 8-22108. Drive-in theatres.
- § 8-22109. Dwelling groups.
- § 8-22110. Repealed by Sec. 1, Ord. 441.
- § 8-22111. Gasoline service stations.
- § 8-22112. Reserved.
- § 8-22113. Golf driving ranges.
- § 8-22113.5. Home occupations.
- § 8-22114. Hospitals, churches or other religious or eleemosynary institutions.
- § 8-22115. Labor camps.
- § 8-22116. Landing strips for aircraft or heliports.
- § 8-22117. Nursery schools.
- § 8-22117.5. Mailboxes prohibited in residential yards; exceptions.
- § 8-22117.8. Mobile homes not in mobile home parks.
- § 8-22118. Repealed by Ord. No. 1115, § 13, 10-12-76.
- § 8-22119. Roadside stands.
- § 8-22120. Recreation facilities, commercial.
- § 8-22121. Repealed by Ord. No. 862, § 10, 9-21-71.
- § 8-22122. Swimming pool.
- § 8-22123. Tract offices, temporary.
- § 8-22124. Temporary office trailers.
- § 8-22125. Parking of trailers and mobile homes at construction sites.
- § 8-22126. Refuse and waste collection areas.
- § 8-22127. Vehicle and equipment repairs or fabrication on residential premises.

Sec. 8-22100. Reserved.

Sec. 8-22101. Sign regulations: Objectives and requirements.

(A) *Objectives and Basis.* The objectives, justification and basis for the various regulations relative to signs and as contained in this section and elsewhere in this chapter are, inter alia:

- (1) to attract and direct persons to various activities and enterprises in order to provide for the maximum public convenience;
- (2) to provide a reasonable system of controls of signs, integrated within and a part of the comprehensive zoning plan set forth by this Code, and not as a distinct police power exercise separate and apart from the zoning power;
- (3) to encourage signs which are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship and spacing;
- (4) to encourage a desirable urban character which has a minimum of overhead clutter;

- (5) to enhance the economic value of the community and each area thereof through the regulation of such things as size, location, design and illumination of signs;
- (6) to encourage signs which are compatible with adjacent land uses;
- (7) to reduce possible traffic and safety hazards through good signing; and
- (8) to relate sign area and height to viewing distance and optical characteristics of the eye.

(B) *Signs Regulated.* No person shall locate or maintain any sign, or cause or suffer the same to be done, except as provided pursuant to the provisions of this Article 21 relating to signs and elsewhere in this chapter.

(C) *Sign Permit.* To insure compliance with the regulations contained in this article and elsewhere in this chapter pertaining to signs, a separate sign permit shall be required for each and every sign, except as otherwise provided in this chapter. No person shall locate or maintain any such sign unless an application is made for such permit and such permit is issued for the location and maintenance of such sign. Application for such permit shall be on a form prescribed therefor. A tag issued by the city indicating the sign per number shall be affixed to the sign so as to be readily visible by inspectors of the city.

(D) *Amended or new permit.* A sign initially approved and for which a permit tag is allowed, shall not thereafter be modified, altered or replaced, nor shall any design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign, without an amended or new permit therefor first being obtained pursuant to this article and elsewhere in this chapter.

(E) *Review and Approval.* Development organization approval is required in connection with the issuance of all sign permits, pursuant to the provisions of Article 27, and the provisions of this Article 21 relating to signs. (Ord. No. 1309, § 2, 2-27-79.)

Sec. 8-22101.1. Commercial and industrial districts.

(A) *Freestanding Signs.*

(1) *Number.*

- (a) General rule: One freestanding sign may be allowed for any lot not otherwise designated in this paragraph, except that in the C-B-D district no such sign shall be allowed unless the lot on which it is to be situated has at least seventy-five feet of frontage on one street.
- (b) Corner and through lots over two acres: A corner or through lot over two acres in lot area may be allowed one freestanding sign for each different but continuous street frontage which is at least one hundred fifty feet in length.
- (c) Through lots under two acres: A through lot under two acres in lot area and with two parallel and different street frontages, may be allowed one freestanding sign for each street frontage; provided that the sign area and height of one such sign shall not exceed one-half the maximum allowable pursuant to item (2) of this subsection (A), and provided further that in lieu of a second freestand-

ing sign, the remaining freestanding sign may be increased over its allowable sign area by fifteen percent.

- (d) Corner lots under two acres: A corner lot under two acres in lot area may be allowed one freestanding sign for each street frontage; provided, that

- (i) the sign area of each such freestanding sign does not exceed one-half the maximum allowed pursuant to item (2) of this subsection (A);
- (ii) the signs are located at least one hundred feet from the intersection of any two street lot lines; and
- (iii) the signs do not exceed the building height notwithstanding the sign height otherwise allowed pursuant to said item (2).

The signs allowed pursuant to this provision are an optional alternative to the sign allowed pursuant to the general rule in (a) of this item (1).

- (e) Additional signs: Additional freestanding signs may be allowed pursuant to item (7) of this section 8-22101.1(A).

- (f) Special rules—Commercial and industrial districts within certain proximity of freeways and controlled access highways: Notwithstanding any provisions of subsection (A) or (B) the subject of freestanding signs and building signs in commercial and industrial districts on lots within one thousand feet of freeways or controlled access highways shall be governed by the additional regulations of section 8-22101.7.

(2) Height, location and sign area.

- (a) General rule for signs located at street lot line: A freestanding sign which is located adjacent to a street lot line shall not exceed ten feet in height and fifteen square feet in sign area.

- (b) General rule for signs set back from street lot line: A freestanding sign which is set back at a location on the ground one foot or more from a street lot line may be allowed, in addition to a minimum allowance of ten feet for sign height and fifteen square feet in sign area, an increase of six inches in sign height and two and one-half square feet in sign area for each foot the sign is set back from the street lot line, subject to the limitations set forth in the following table:

| District | Maximum Possible Height Above Finished Grade | Maximum Possible Sign Area |
|---|--|---|
| C-O and I-R | 20 feet | One square foot of sign area for every two feet of continuous linear street frontage of the lot upon which such sign is located and oriented, up to a maximum of 66 square feet. |
| All other commercial and industrial districts | 30 feet | One square foot of sign area for every two feet of continuous linear street frontage of the lot upon which such sign is located and oriented, up to a maximum of 130 square feet. |

- (c) Lots with long street frontage: A freestanding sign set back one foot or more from a street lot line, and located upon a lot with a continuous street frontage on such street lot line which exceeds four hundred twenty feet, may be allowed an increase in sign area and height equal to double the increase provided pursuant to the general rule in item (2) of subsection (A), provided, that the maximum sign height and sign area of any such sign shall not exceed the maximum sign height and sign area allowed pursuant to the general rule in (b) of this item (2); provided, further, that any such sign shall be located at least one hundred feet from the intersection of the street lot lines and the nonstreet lot lines, if any, of the lot.

In lieu of a single sign as provided above, two separate freestanding signs may be permitted, provided:

- (i) the combined sign areas of said signs do not exceed the maximum sign area of a permitted single freestanding sign, provided pursuant to the general rule in (b) of this item (2);
- (ii) the setbacks and height of each such sign shall be the same as provided pursuant to the general rule (b) of this item (2); and
- (iii) said signs shall be located at least one hundred feet from each other.

- (d) Signs extending above sign height: Any freestanding sign may be allowed to include a spire or spires without any sign copy or illumination and extending above the sign height allowed pursuant to (a), (b) or (c) of this item (2), for a distance up to one-half such sign height.

- (e) Sign area increase for ornamental sign support: Any freestanding sign may be allowed up to a one-third additional sign area over that allowed for such sign pursuant to (a), (b) or (c) of this item (2), to be used for ornamentation of the support, upright or structural portion of the sign; provided, that such ornamentation is designed in such a manner as to form an integral background element to the remainder of the sign and the development organization finds that the design otherwise enhances the appearance of the sign.

- (f) Low-profile, planter-type sign: One freestanding sign of a low-profile, planter-type design, may be allowed for each street frontage of a lot, in lieu of a freestanding sign otherwise allowed to be located adjacent to a setback from such street frontage pursuant to the foregoing provisions of this item (2). Such sign may be allowed twenty-four square feet in sign area; provided, that any such sign shall not exceed six feet in height except that an additional two feet in height may be allowed by the development organization for attractive ornamental or structural features of the sign. The street address of the property upon which the sign is located may be inserted within the ornamental feature of the sign provided the lettering of the street address does not exceed eight inches in height or where such ornamental features do not exist, an additional twelve inches in height may be added to the sign for the purpose of providing a space for a street address.

- (g) Proximity to residential areas: Freestanding signs shall be located so as to not be visible from any location upon any lot in a residential district or in an area designated residential on the general plan, where any such location is one hundred feet or less distant from any such sign.
- (h) Proximity to building: No freestanding sign shall project over any building or portion of a building.
- (i) Accessory uses in C-O districts: In C-O districts a freestanding sign used to identify an enterprise which is an accessory use may be allowed a sign area up to the amount of sign area used to identify any one of the principal permitted or conditional uses located upon the lot.
- (j) Irregular lots with short street frontage: Lots with less than one hundred feet of street frontage and larger than twenty thousand square feet in area shall be permitted a sign height and area based on one hundred feet of street frontage, provided the sign setback from the street lot line and location complies with the provisions of this chapter. In the event the distance between the principal building or use of a lot and the street lot line is less than the setback required for such a sign, the height and area of the sign shall be as required for its ultimate setback from the street.
- (k) Exceptions: The development organization may, upon written application being made, grant an exception to the height and sign area regulations otherwise applicable to a particular lot pursuant to the rules in this item (2), in any case where the development organization finds that the existence of buildings, topography, vegetation, sign structures, or other matters on adjacent lots or within the adjacent public right-of-way would substantially restrict the effective utility of a sign if erected in conformance with such regulations; provided, that no exception shall be granted to permit a freestanding sign to exceed the maximum height and sign area which may be allowed upon the lot pursuant to this item (2). Prior to the granting of any such exception, the subject lot and the adjacent public right-of-way shall be posted with notices, as determined by the development organization, indicating the nature and extent of the requested exception, and informing interested persons that protests to the granting of the requested exception may be filed by a date specified in the notice. The development organization may attach appropriate conditions to the granting of the requested exception, including provision for the removal or relocation of the sign when the circumstances and findings justifying the exception no longer exist.
- (3) *Sign copy.* Sign copy on a freestanding sign may identify one or more enterprises and/or a shopping center or other commercial or industrial area of a lot upon which the sign is located. Except for accessory uses in a C-O district, sign copy may also identify (without numerical restriction) products, services, trade names and logos that are a substantial and primary (not incidental) part of the predominant sales or services rendered from or related to occupants of enterprises and/or a shopping center or other commercial or industrial area of a lot upon which the sign is located. Sign copy may include nonpermanent sign copy messages on a reader-board section of the sign area, in addition to permanently affixed sign copy messages.
- (4) *Design.*
- (a) Relationship to buildings: Each freestanding sign located upon a lot shall be designed to be harmonious and compatible with the type of construction, materials, colors or other design details of the building or buildings thereon. Ostentatious or garish sign designs shall not be permitted.
- (b) Relationship to other signs: Where there is more than one freestanding sign located upon a lot, all such signs shall have designs which are well related to each other by the similar treatment or incorporation of not less than four of the following six design elements:
- (i) type of construction materials as used in the several sign components (such as cabinet, sign copy, spires, supports);
 - (ii) letter style of sign copy;
 - (iii) illumination;
 - (iv) type or method used for supports, uprights or structure on which sign is supported;
 - (v) sign cabinet or other configuration of sign area;
 - (vi) shape of entire sign and its several components.
- (c) Sign dimensions: The dimensions of the sign cabinet, if any, or other configuration of the dimensions of the sign area of each freestanding sign, shall be proportional to and visually balanced with the height of the sign.
- (5) *Landscaping.* The supporting members of each freestanding sign shall be located in a single planted landscaped area, the border of which is at least four feet from the supporting member or members. The landscaped area shall be differentiated from adjoining areas by a portland cement concrete border at least six inches above the ground level. All planted landscaped areas shall be irrigated and maintained on a reasonable and regular basis. The development organization may approve landscaped areas with alternative dimensions provided such areas will achieve a compatible setting for the sign.
- (6) *Illumination and motion.* Freestanding signs in C-C, C-T, C-I, C-G, C-N, C-R, C-O, I-R, G-I and I-P districts shall be nonmoving stationary structures (in all components) and illumination, if any, shall be maintained by artificial light which is stationary and constant in intensity and color at all times (nonflashing); provided, that illumination in C-N, C-O and I-R districts shall not rotate or otherwise move at a speed greater than six revolutions per minute, and illumination, if any, shall be for at least sixty percent of the sign area, stationary and constant in intensity and color at all times.
- (7) *Additional freestanding signs for area identity.* Freestanding signs, in addition to those allowed pursuant to item (1), may be allowed in the I-R, G-I, I-P, C-B-D, C-C, C-G, C-R and C-T districts in accordance with the following provisions:

- (a) Sign copy: Sign copy on a freestanding sign for area identification shall only identify, through the use of permanent sign copy consisting of words or symbols, or both, the shopping center or other commercial or industrial area of a lot upon which the sign is located; such signs shall not include any sign copy which identifies any particular enterprise, product, service or trade name.

- (b) **Number:** One freestanding sign for area identification may be allowed for one or more contiguous lots whose uses are interrelated by site layout, common vehicular circulation and parking areas, including but not limited to shopping centers and industrial parks, where the lot or combination of lots either is (1) completely surrounded by improved public streets, or (2) contains at least ten acres in area. One additional sign may be allowed for each fifteen acres by which the lot or combination of lots exceeds ten acres in area. In no case shall more than four area identification signs be permitted.
- (c) **Illumination and motion:** Freestanding signs for area identification shall be nonmoving stationary structures (in all components), and illumination, if any, shall be maintained by artificial light which is stationary and constant in intensity and color at all times (nonflashing).
- (d) **Relationship to other signs:** The height, location, sign area and design of a freestanding sign for area identification of a lot shall conform to the regulations applicable to other freestanding signs which may be allowed pursuant to this subsection (A) except that the height of any such sign shall not exceed forty feet measured from finished grade to the top of the sign message board and the sign area shall not exceed one hundred sixty square feet; provided, however, that the height, location, sign area and design of each such sign shall compatibly relate to the height, location, sign area and design of all other signs which are allowed upon the lot. If any such sign would create or add to an undesirable proliferation of signs upon the lot or to the total number of sign upon the lot and adjacent lots, such sign shall not be allowed.
- (e) **Approval:** The development organization may attach appropriate and reasonable conditions to any approval of a freestanding sign for area identification of a lot to assure that such signs will be and remain compatibly related to other signs upon the lot. The organization may decline to take action itself to approve, deny, or conditionally approve any such sign, and, in lieu thereof, refer a recommended action to the commission for decision.

(B) *Building Signs.*

(1) *Number, sign area and location.*

- (a) **General rule:** A building sign may be maintained upon each building frontage of a main building (each main building has not less than one nor more than three building frontages). Each such building sign may be allowed a sign area of either thirty square feet or one square foot of sign area for each linear foot of the width of such building frontage, up to a maximum sign area of one hundred thirty square feet. Building signs shall be located so as to not be visible from any location upon any lot in a residential district or in an area designated residential on the general plan, where any such location is one hundred feet or less distant from any such sign. In the C-O district building signs identifying enterprises which are accessory uses shall not be visible from any public

street. Where signs for more than one enterprise occupying a building are proposed in a building frontage, each such sign shall be uniform in letter style, color of letter, and background and in general appearance.

- (b) **Alternative rule:** Certain building signs and building sign area may be allowed pursuant to item (4) of this subsection (B) in lieu of or in addition to the number of building signs and amount of building sign area allowed pursuant to the general rule.
- (2) **Sign copy.** Sign copy on a building sign may identify an enterprise located within the building upon which the sign is maintained. Sign copy on a building sign may also identify (up to a maximum number of six) products, services, trade names and/or logos that are a substantial and primary (not incidental) part of the predominant sales or services rendered from the enterprise identified on such a building sign.
- (3) **Illumination and motion.** Illumination, if any, of a building sign in C-C, C-R, C-I, C-T, C-G, C-N, C-O, I-R, G-I and I-P districts shall be maintained by artificial light which is stationary and constant in intensity and color at all times (nonflashing); provided, that illumination in C-N, C-O and I-R districts shall be only by indirect or diffused light. Illumination, if any, of a building sign in the C-B-D districts, shall be, for at least sixty percent of the sign area, stationary and constant in intensity and color at all times.
- (4) **Optional building signs and sign area for design exceptions.** Certain building signs may be allowed as optional alternatives to the building signs and/or sign area allowed pursuant to item (1) of this subsection (B), in accordance with the following provisions:
 - (a) **Design standards:** Each building sign allowed pursuant to this item (4) shall be designed to incorporate at least one of the elements of the building side upon which sign is maintained, such as type of construction, materials, color or other design detail, and shall have dimensions which are proportional to and visually balanced with the building facade of such building side. In certain cases, as specified herein, the design of a building sign shall also be an integral design feature of the building. The development organization may attach appropriate and reasonable conditions to the approval of a building sign allowed herein to assure that such sign will meet such design standards, including, but not limited to, conditions which alter the proposed sign configuration, reduce the proposed sign area, relocate the proposed sign upon the building side or require more than one such visual element to be incorporated into the design of the sign. The organization may decline to take action itself to approve, deny, or conditionally approve any such sign, and in lieu thereof, refer a recommended action to the commission for action.
 - (b) **Option No. 1—Openness of sign copy:** A building sign for each or any building frontage may be allowed up to one and one-third square foot of sign area for each linear foot of width of building frontage upon which such sign is maintained where either:
 - (i) the sign copy is composed entirely of

"skeleton" letters or logotype writing or symbols without any other sign copy as background; or

- (ii) the sign copy, exclusive of decorative color or other background material, does not exceed forty percent of the sign area.
- (c) Option No. 2—Located on a kiosk: Building signs may be allowed to be maintained upon either:
 - (i) any two sides of a kiosk, provided that if such signs are not a part of or attached flat against the building then the sign copy of such signs shall be composed entirely of "skeleton" or logotype writing or symbols without any background material; or
 - (ii) all sides of a kiosk provided that each such sign shall be designed as an integral design feature of the building.
- (d) Option No. 3—In lieu of freestanding signs: The maximum total sign area allowable for all freestanding signs upon a lot pursuant to subsection (A) may be allowed to be transferred to one or more building signs maintained upon each or any main building located upon such lot. Such signs shall be in lieu of all freestanding signs otherwise allowed.
- (e) Sign area: Any building sign allowed pursuant to Option No. 1 or 2 above is in lieu of (not in addition to) the building sign and sign area otherwise allowed for a particular building frontage pursuant to the general rule set forth in item (1) of this subsection (B). All or any portion of the sign area allowed to be transferred pursuant to option No. 3 above may be added to the sign area allowed pursuant to the general rule set forth in said item (1), for one or more building frontages of one or more buildings located upon the lot from which such transfer is made. Notwithstanding anything to the contrary, no building sign area shall exceed fifteen percent of the building facade of the building side upon which such sign is located.
- (f) Other requirements: The location, sign copy and illumination of each building sign allowed pursuant to this item (4) shall conform to the regulations applicable to other building signs pursuant to items (1), (2) and (3) of this subsection (B).

(C) *Public Service Signs.* One sign may be maintained upon each lot, containing continuously changing sign copy consisting of written or graphic messages or information such as time of day, temperature, humidity, and other similar devices. Such sign shall be incorporated as part of the design and allowable sign area of either a building sign or freestanding sign otherwise allowed pursuant to subsection (A) or (B), except that such public service sign may, to the extent necessary by its nature, contain sign copy and illumination which is not stationary or constant.

(D) *Projecting Symbol Signs.* One projecting symbol sign may be maintained upon each building frontage of a main building. Each such sign which is affixed to and projects directly from the building side may be allowed a sign area up to eight square feet. Each such sign which is attached to a canopy or fascia projection of the building side may be

allowed a sign area up to two square feet. No such sign shall be illuminated or project more than fifteen inches over any street or other publicly maintained right-of-way. (Ord. No. 1309, § 2, 2-27-79)

Sec. 8-22101.2. Commercial districts only.

(A) *Courtesy Display Signs.* One sign, integral with a building containing up to eight square feet of sign area, and containing appurtenant sign copy which identifies, as a courtesy display to patrons of an enterprise, items such as credit cards accepted, menus, redemption stamps offered, directories, may be maintained upon each building frontage which has an entrance to such building in regular use by the general public. Each such courtesy display sign shall be located proximate to the entrance of the building frontage.

(B) *Display Structure Signs.* One or more display structure signs for pedestrian viewing (only) may be allowed upon a lot as a conditional use approved by the commission. Such display structure signs may include, in addition to sign copy and other sign elements, the display of products sold upon the lot and similar items of general interest to the pedestrian invitees and patrons of such lot. Such display structures may be designed exclusively for the advertisement of notices and other signs, such as a bulletin-type advertising stand, or such structures may serve additional functional purposes such as bus stop benches, covers for inclement weather, or comparable purposes, including the visual enhancement of pedestrianways, landscaped and parking areas, but not including the housing of principal commercial enterprises. Each display structure sign shall be located only where other structures would otherwise be allowed upon the lot upon which such sign is located. The exterior dimensions of each display structure sign, and the dimensions of the sign area maintained within or upon the structural element thereof, shall be proportional and visually balanced with the size, height and shape of the buildings upon the lot and other signs, including other display structure signs, located upon the lot. Illumination, if any, of a display structure sign shall be only by diffused or indirect light.

(C) *Projecting Symbol Signs for Design Exceptions.* Certain projecting symbol signs may be allowed to be maintained from building frontages as optional alternatives to the projecting symbol signs allowed pursuant to subsection (D) of section 8-22101.1, in accordance with the following provisions:

- (1) *Common design theme.* Each projecting symbol sign allowed pursuant to this subsection (C) shall be part of a common development plan for projecting symbol signs, involving all the enterprises upon a single lot or several enterprises located upon adjacent lots or lots in close proximity. The common development plan shall incorporate a unique theme into the design, including content and use of sign copy, of each such projecting symbol sign, such as, but not limited to, an "early western" motif.
- (2) *Sign area.* Each such projecting symbol sign may be allowed a sign area up to eight square feet; provided, that the sign area allowed for any such sign maintained upon a building shall be deducted from the maximum total sign area allowable for all building signs upon the building pursuant to subsection (B) of section 8-22101.1.
- (3) *Sign copy.* In addition to a pictorial presentation, symbol or other emblem, any such projecting symbol sign may contain sign copy consisting of letters or

words, not including any written message, if necessary to supplement or clarify the pictorial presentation, symbol or other emblem. The sign copy may project beyond the background sign area only if such three-dimensional projection is necessary to and does not distort the unique theme in which such sign is included.

(4) *Location.* Each such projecting symbol sign may project up to five feet from the building frontage upon which such sign is maintained, subject to the following limitations and requirements:

- (i) there shall be not less than two feet horizontal clearance from the face of any street curb, adjacent to such building frontage and an intervening sidewalk, to the nearest edge of the sign;
- (ii) there shall be not less than eight feet of vertical clearance for a clear and unobstructed sidewalk width of one hundred five inches from the face of any such curb;
- (iii) any encroachment permit required pursuant to Chapter 1, Title VIII of this Code over the public right-of-way shall be obtained prior to the approval of any such sign.

(5) *Approval.* The development organization may attach appropriate and reasonable conditions to any approval of projecting symbol signs pursuant to this subsection (C) to assure that such signs will be and remain in conformance to the unique theme justifying such approval. The organization shall, in connection with its determination, consider the comments and recommendations upon a proposed common development plan for such projecting symbol signs, which are submitted by a citizen or other committee which has been established or recognized by the city council for the purpose of defining or establishing the character and principles of a unique theme for a particular commercial area of the city. The organization shall have the duty to deny any application for any such sign where the manifest intent herein is not complied with. The organization may decline to take action itself to approve, deny, or conditionally approve any such sign, and in lieu thereof, refer a recommended action to the commission for action.

(D) *Promotional Signs.* Temporary signs may be allowed for any enterprise, which contain appurtenant sign copy, to promote special commercial activities such as clearance sales, grand openings and new models, or shipments of merchandise for sale. Such signs may consist of banners, pennants or any other appurtenant sign copy attached to temporary structures, permanent signs or buildings, on the lot upon which the enterprise is located; provided, that the number and location of such signs shall not create a traffic hazard because of the distractive character to motorists of any such sign or the cumulative effect of all such signs on the lot, and no such sign shall unreasonably obscure any existing sign located upon adjacent lots. The total number of days in any calendar year in which one or more such signs are used for any one enterprise shall not exceed either one thirty-day period or four separate seven-day periods. All such signs for a particular promotional activity shall be collectively subject to the provisions of section 8-22101.8(b) to assure removal of such signs at the termination of the promotional activity as specified in the sign permits therefor, and no additional permit for temporary promotional signs shall be approved for use on the lot where such

violation has occurred until the expiration of twelve calendar months from the date of removal of such signs.

(1) *Designated window areas.* Temporary promotional signs may be allowed in designated window areas for no more than ten continuous days in any calendar month or for no more than thirty continuous days in any quarter of a calendar year subject to one annual fee. A designated window area shall be defined as an area which constitutes no more than thirty percent of the principal or largest window (a window shall be deemed to be bounded by the structural elements of the building wall) of any building frontage. The boundaries of a designated window area shall be at right angles with one another and shall coincide with at least two edges of the window.

(E) *Traveling Message Signs in the C-B-D District.* In the C-B-D district, one sign, containing traveling or continuously changing sign copy consisting of written or graphic messages or information such as general public news and announcements of public events, may be allowed for a lot as a conditional use approved by the commission. Such sign shall be incorporated as part of the design of either a building sign or freestanding sign or public service sign otherwise allowed on the lot pursuant to section 8-22101.1, except that such public service sign may, to the extent necessary by its nature, contain sign copy and illumination which is not stationary or constant. Such sign copy may be allowed a sign area up to sixty square feet exclusive of the sign as to which such public service sign is incorporated as part thereof. At least fifty percent of the sign copy shall relate to nonappurtenant public service information such as general public news or civic events, and the remaining sign copy shall identify or announce appurtenant, commercial or noncommercial activities conducted or services available on the lot. The commission shall, prior to approval of any such sign, make the following findings:

- (i) that the sign will not create or add to an undesirable proliferation of signs upon the lot or to the total number of signs upon the lot and adjacent lots;
- (ii) that, except in unusual circumstances, the sign is the only public service sign generally visible within fifteen hundred feet of the sign;
- (iii) that the sign is located, oriented and designed so as not to be a traffic hazard because of a distractive character to motorists;
- (iv) that the public convenience and interest necessitate approval of the sign.

(F) *Gasoline Price Signs.* Signs advertising the price of automotive fuel (gasoline) may be allowed, in accordance with the following provisions:

- (1) *Number and sign copy.* One sign structure affixed to the ground, containing one sign on each of two sides of the sign structure, may be allowed for each street frontage of a lot upon which is located an automobile service station, containing appurtenant sign copy limited exclusively to the advertisement of the price of automotive fuel, redemption stamps offered, brand and the grade of such fuel (such as ethyl or regular), sold at the station.
- (2) *Location.* Each such gasoline price sign shall be oriented to the street frontage upon which it is located. Also, where the automobile service station is located on a corner lot, the gasoline price sign shall be located away from the corner and at least fifty feet

from the curb return of such corner except where such a location is impracticable, in which case the sign shall be located within a planter area as far as practicable away from the corner.

- (3) *Sign area.* Each such gasoline price sign may be allowed a sign area up to fifteen square feet for each side of the sign, and consisting of dimensions not exceeding three feet in width and five feet in length.
- (4) *Height.* A gasoline price sign shall not exceed a height of five feet. A design or architectural feature to such sign may extend an additional one and one-half feet.
- (5) *Illumination and motion.* Gasoline price signs shall be nonmoving stationary structures (in all components), and illumination, if any, shall be by indirect or diffused light which is stationary and constant in intensity and color at all times (nonflashing).
- (6) *Landscaping and design.* Gasoline price signs shall be located in planted landscaped areas and designed in accordance with the provisions applicable to freestanding signs pursuant to paragraphs (4) and (5) of section 8-22101.1(A). (Ord. No. 1309, § 2, 2-27-79.)

Sec. 8-22101.3. Planned signing program.

(A) *General.* In accordance with the provisions herein, signs may be allowed in commercial and industrial districts and for quasi-public and public uses in any district as part of a comprehensive planned signing program, notwithstanding that such signs do not conform to all the specific regulations applicable in general to freestanding signs, building signs, and other signs allowed pursuant to this article. A planned signing program is a voluntary, optional alternative to the general sign regulations, intended to encourage the maximum incentive and latitude in order to achieve variety and good design. Exceptions to the general sign regulations may include, but are not necessarily limited to, the number of signs, height, location, sign area, illumination and motion; provided, however, that notwithstanding the power of the development organization to approve such specific exceptions, a planned signing program shall be in substantial compliance with the general sign regulations, and the organization or other approval authority shall find that each and all such exceptions will accomplish the general objectives of these regulations.

(B) *Application.* In addition or supplemental to the requirements of subsections (C) and (D) of section 8-22101, the application for a planned signing program shall be accompanied, in duplicate, by the following documents:

- (1) *Coverage area.* A map, drawn to scale, delineating the site proposed to be included within the planned signing program.
- (2) *Building elevations.* Drawings and/or sketches indicating the exterior surface design details of the buildings upon the site.
- (3) *Signing.* Drawings, drawn to scale, indicating the size, materials, method and intensity of illumination, height, color, sign area and general location of all signs proposed to be included within the planned signing program.

(C) *Site.*

- (1) *General.* A planned signing program may be allowed only for a site (building improvements and the lot

upon which located) which comes within at least one of the following categories:

- (i) one main building containing at least ten thousand square feet of gross floor area;
 - (ii) a lot at least two acres in size (there may be one or more buildings);
 - (iii) one or more uses located above the ground floor of a main building;
 - (iv) at least two main buildings upon a lot with a separate use in each building.
- (2) *Combination of lots.* The lot areas of two or more contiguous lots may, for the purpose of a planned signing program, be considered as a single unit, to the same extent as if in fact a single lot, if the buildings, signs and other improvements upon each and all such lots are improved and developed in accordance with a common development plan, which plan includes a common planned signing program. The development organization may, as a condition to the approval of such a common planned signing program, require that instruments be executed and recorded by the owners of all such lots which instruments for all legal purposes either combine such lots into a single lot, or assure by covenant or other restriction upon the owners of each lot and their lessees, sublessees, successors and assigns, that each and all such lots, and any subsequent subdivision thereof, shall remain subject to the common signing program unless modifications thereto are approved pursuant to this chapter, or, in the event any such lot is subsequently developed separately, all signs upon each and all the lots are removed or brought into conformance with the provisions of this chapter to the same extent as if each and all such lots had originally not been developed in accordance with a common signing program. No sign shall be maintained upon a site which is not approved as part of the planned signing program for the site.

(D) *Findings Required.* The development organization shall, prior to the approval of a planned signing program, make the following findings in regard to the design of the signs to be maintained upon the site:

- (1) *Architectural style.* That each sign is designed with an intent and purpose to relate the sign to the architectural style of the main building or buildings upon the site, and to the extent not inconsistent with such style, that the sign will be compatible with the style or character of existing improvements upon lots adjacent to the site; provided, that signs maintained upon any isolated commercial site containing a gross floor area less than ten thousand square feet within one or more main buildings and located within and integral with a predominantly residential area, are designed to be compatible with the residential character of such area, such as planter-style signs and other types of signs allowed in residential districts.
- (2) *Relationship to buildings.* That consistent with such architectural style, each sign is designed to incorporate at least one of the predominantly visual elements, such as type of construction material, color or other design details. That any signs maintained upon a building have dimensions which are proportional to and visually balanced with the building facade of the side of the building upon which such sign is maintained.

(3) *Relationship to other signs.* That each sign is well related to all other signs maintained upon the planned signing program site by the incorporation of not less than four of the following seven identical elements;

- (i) materials;
- (ii) letter style of sign copy;
- (iii) color;
- (iv) illumination;
- (v) method used for structural support or attachment;
- (vi) technical details of sign construction;
- (vii) shape of entire sign and its several components.

(4) *Sign copy.* That the sign copy for each sign is either:

- (i) composed entirely of "skeleton" letters or a logotype writing or symbol except for sign copy consisting of decorative background; or
- (ii) the sign copy, exclusive of decorative color or other background material, does not exceed forty percent of the sign area.

(5) *Sign area for signs affixed to buildings.* That the sign area for each building sign or other type of sign affixed to a building does not exceed ten percent of the building facade upon which such sign is maintained.

(6) *Signs affixed to buildings above eaves line.* That, where a building side contains area above the building facade (eaves line), any wall sign or other type of sign which is maintained above such building facade, is integral with the building and also an integral design feature of the building.

(7) *Signs affixed to buildings below canopy.* That any wall sign or other type of sign which is maintained beneath a canopy, arcade, marquee or other similar building projection, does not contain more than three square feet in sign area and is maintained on a building frontage proximate to an entrance to the building in regular use by the general public.

(E) *Approval.* The development organization may attach appropriate and reasonable conditions to any approval of the planned signing program, including, but not limited to, conditions which alter sign configurations, reduce the sign area, relocate signs upon the lot or buildings, or require other design modifications. The organization shall exercise a high degree of discretionary judgment in the review of a proposed planned signing program and may decline to take action itself to approve, deny, or conditionally approve any such program, and, in lieu thereof, refer a recommended action to the commission for decision. (Ord. No. 1309, § 2, 2-27-79.)

Sec. 8-22101.4. Residential districts.

(A) *Lot Identification.*

(1) *Residential dwellings.* One sign containing appurtenant sign copy may be allowed for each dwelling unit to identify the premises or occupants thereof, except that in an R-G district any through or corner lot developed with a multiple dwelling may be allowed an additional sign for each street frontage of such lot. Each such sign may be allowed a sign area up to one square foot for each dwelling unit; provided, that in the case of a multiple dwelling no single such sign shall exceed eighteen square feet in sign area, and,

provided further, that a home occupation shall not be allowed any additional sign area. Such signs may be either integral with a building, or affixed to the ground in the front yard of the lot provided that the top of the sign does not exceed a height of six feet from the finished grade of the lot. Illumination, if any, shall be maintained by diffused or indirect light which is stationary and constant in intensity and color at all times (nonflashing).

(2) *Motels in R-G districts.*

(a) *Signs integral with buildings:* On a lot for which a conditional use permit has been granted allowing a motel in an R-G district, one sign integral with the building containing appurtenant sign copy may be allowed for each street frontage of such lot. Any such sign shall be mounted on a wall facing a thoroughfare or collector street. Each such sign may be allowed a sign area of one square foot for each motel rental unit; provided, that no such sign shall exceed twenty-five square feet in sign area. Illumination, if any, shall be maintained by diffused or indirect light which is stationary and constant in intensity and color at all times (nonflashing).

(b) *Signs affixed to the ground:* On a lot for which a conditional use permit has been granted allowing a motel in an R-G district, in lieu of one sign integral with the building otherwise allowed pursuant to subitem (a), one sign affixed to the ground containing appurtenant sign copy may be allowed. Such sign may be allowed a sign area of one square foot for each motel rental unit; provided, that no such sign shall exceed twenty-five square feet in sign area. The height of such sign shall not exceed twelve feet measured from the finished ground surface to the top of the sign area. Such sign shall be located not less than five feet from a street lot line and shall be located between a thoroughfare or collector street and a principal building. Illumination, if any, shall be maintained by diffused or indirect light which is stationary and constant in intensity and color at all times (nonflashing). Such sign shall be located in a planted landscaped area which is of a shape, design and size (equal to at least the sign area) that will provide a compatible setting and ground definition of the sign. The planted landscaped area shall be maintained on a reasonable and regular basis.

(B) *Neighborhood Identification.* Permanent (noncontract) signs containing appurtenant sign copy may be allowed to identify a neighborhood or other residential area. No number, height, sign area, location, illumination, landscaping or design standards are specified herein, but the development organization shall not approve any such sign unless the organization finds that each such sign is compatible with and relates to the surrounding neighborhood or area, and in connection therewith the organization may attach appropriate and reasonable conditions to assure that such sign will be and remains compatibly related with such neighborhood or area. (Ord. No. 1309, § 2, 2-27-79.)

Sec. 8-22101.5. Agricultural districts.

(A) *Main Structure Sign.* One sign containing appurtenant sign copy may be allowed for each principal or

conditional permitted use. Such sign shall be integral with a main building housing such use. The sign area for all such signs upon any single lot shall not collectively exceed twenty square feet.

(B) *Ground Sign.* One sign containing appurtenant sign copy may be allowed for each lot, in addition to the building sign or signs allowed pursuant to subsection (A). Such sign shall be affixed to the ground of the lot or lots upon which such use is located, and shall not exceed twenty square feet in sign area, and the top of such sign shall not exceed six feet in height above finished grade of the lot. Notwithstanding any other provisions of this chapter to the contrary, such sign may be, but need not be, located in the front yard area of such lot or lots.

(C) *Illumination.* Illumination, if any, of the signs permitted pursuant to this section shall be maintained by diffused or indirect light which is stationary and constant in intensity and color at all times (nonflashing).

(D) *Exceptions.* The commission may, in its consideration of a conditional use, grant an exception to the height, area and location regulations, otherwise applicable to a particular lot pursuant to the rules in this section. In making such an exception, the planning commission shall find that due to the use, the location of buildings, topography, vegetation, sign structures, or other matters on adjacent lots or public rights-of-way, the effective utility of a sign if erected in conformity with such regulations, would be substantially restricted; provided, that no exception shall be granted to permit a sign which exceeds the maximum height or area, or provides less than the required setbacks as may be required pursuant to section 8-22101.1. (Ord. No. 1309, § 2, 2-27-79.)

Sec. 8-22101.6. All districts.

(A) *Directional Signs.* Signs may be allowed to direct or instruct the public for such purposes as access or egress to a lot or occupant of a lot, public convenience facilities, location of public telephone, freight entrances and similar matters. Each such sign shall be located upon the lot as to which its sign copy is appurtenant, except that such signs may be located upon adjacent public property provided that any encroachment permit required pursuant to Chapter 1, Title VIII of this Code shall be obtained prior to the approval of any such sign.

Each such sign may contain up to six square feet in sign area and may be maintained either:

- (i) integral with a building with illumination, if any, maintained by diffused or indirect light which is stationary and constant in intensity and color at all times (nonflashing); or
- (ii) affixed to the ground provided that the top of the sign does not exceed a height of six feet from the finished grade of the lot.

The sign copy of such signs shall be noncommercial in nature and contain no business identification or advertising, except that any such sign which is affixed to the ground may include up to twenty percent of its allowable sign area for sign copy consisting of a logo or other symbolic representation of any commercial activities or services conducted on the lot provided such symbolic representation is in aid of and supplemental to the primary directional or instructional purpose of the sign. No number, or maximum collective sign area for all such signs located upon a lot, or precise location and design standards are specified herein for such signs, but the development

organization shall not approve any such sign unless the organization finds that each such sign is compatible with and relates to the buildings and other improvements upon the lot and adjacent properties and will not create or add to an undesirable proliferation of signs upon the lot or to the total number of signs upon the lot and adjacent lots.

(B) *Announcement Signs.* Signs containing appurtenant sign copy, with up to one square foot in sign area, may be allowed upon any lot to announce or identify particular goods sold or services rendered from the lot or related to occupants of the lot, such as bulletin boards or signs used to identify the location of a medical or other professional practice or occupation upon the lot.

(C) *Institutional Signs.* Two signs containing appurtenant sign copy, each with up to eighteen feet in sign area may be allowed for a church, school, community center, or other public or institutional use. One of such signs may be maintained integral with a building, and the other sign may be affixed to the ground provided that the top of the sign does not exceed a height of six feet from the finished grade of the lot.

(D) *Major City Entrance Signs.* One sign may be allowed upon property located proximate to a major entrance to the city, as a conditional use by the commission, in accordance with the following provisions:

- (1) *Sign copy.* Each major city entrance sign shall contain nonappurtenant sign copy which directs attention to or identifies one or more historic points of interest, civic, fraternal or religious organization located within the city, or similar matters of noncommercial interest to the general motoring and traveling public. Such sign copy which relates to public activities and facilities may be either permanently affixed as part of the sign or included within a temporary and changeable reader-board or message board. Any such sign may also be allowed to contain nonappurtenant sign copy which directs attention to motels, restaurants, service stations and recreation facilities that predominantly serve the motoring and traveling public, by the use of generic terms such as food, gas, lodging and recreation, and the quality and number of such facilities, but not including the name or other identification of any enterprise, brand or trade name or trademark; provided, the commercial sign copy of any such sign shall relate to uses that are located at a distance no further than either three-quarters of a mile from such sign or three-quarters of a mile from the center of the nearest freeway interchange proximate to the sign.
- (2) *General requirements.* Each major city entrance sign shall be designed so that its sign copy reads visually as a three-dimensional display (not a billboard or other typical two-dimensional sign). Illumination, if any, of a major city entrance sign shall be only by diffused or indirect light. Each such sign may be allowed a sign area up to one hundred sixty square feet; provided that the design and size of the entire sign, including its component structural parts, sign area and sign copy, and the location of such sign, shall relate to the visual distance of the sign from the public right-of-way. Each such sign shall be located in a planted landscaped area which is of a shape, design and size that will provide a compatible setting and ground definition of the sign. The planted landscaped area shall be maintained on a reasonable and regular basis.

(E) *Flag and Emblem Signs of Quasi-Public Organizations.* Signs which are flags or emblems of a political, civic, philanthropic, educational or religious quasi-public use organization, and which are to be maintained for a period greater than one month, may be allowed for any lot occupied by an organization as to which such flag or emblem is appurtenant. One such flag may be allowed for each such lot, and one such emblem may be allowed for each street frontage of each such lot; provided that the collective sign area for all such signs shall not exceed twenty-four square feet for any lot.

(F) *Real Estate and Tract Signs.*

(1) *Type, number and location.*

- (a) Signs advertising sale, lease or rental of real property (except for original sale of lots within a subdivision): One temporary sign may be allowed for any lot or combination of two or more contiguous lots in single ownership containing appurtenant sign copy advertising the sale, rental or lease of the property (the lot or lots and/or the improvements, if any, thereon) upon which such sign is located. This subitem shall not apply to signs used to advertise the original sale of lots or condominium units in subdivisions.
- (b) Signs advertising the original sale of lots or condominium units in subdivisions: Four temporary signs may be allowed to advertise the original sale of lots or condominium units within any subdivision tract located in the city. Such signs may be located within or without the boundaries of the subdivision tract being advertised for sale. Upon written application being made, the development organization may permit not more than two additional signs advertising the original sale of such lots or condominium units, when the development organization finds that the geographic location of the street access to the particular tract involved creates a hardship as to the effective advertisement of such tract; provided, however, that no temporary sign authorized pursuant to this subitem (b) shall be placed within any commercial district without the approval of the development organization. The development organization shall approve the location of temporary signs pursuant to this subitem (b) only if it finds that the following criteria are met:
 - (i) the lot on which any such sign is to be placed is undeveloped;
 - (ii) the sign will be set back at least twenty-five feet from the side lot line of any adjacent developed lot;
 - (iii) the applicant demonstrates that the sign will not obscure any existing sign which conforms to the provisions of this chapter, or any uses located on any immediately adjacent lot on the same street.

Signs on lots in commercial districts shall be removed upon the commencement of construction thereon. (For purposes of this article, a subdivision tract shall include all the property within a tentative map approved by the commission pursuant to the subdivision chapter; provided, that separate but contiguous subdivision tracts advertised under the same name shall be consid-

ered a single tract for purposes of computing sign area and number.)

- (2) *Sign area.* Any lot, or two or more contiguous lots in single ownership, or the lots within a subdivision tract, with a collective street frontage on one street of fifty feet or less may be allowed a sign area up to twelve square feet. Any such lot, lots or subdivision tract, with a collective street frontage on one street which exceeds fifty feet, may be allowed, in addition to a minimum twelve square feet, one square foot of sign area for each ten feet of such street frontage, up to a maximum sign area of one hundred thirty square feet.
- (3) *Time limitation.* Permits for subdivision tract signs shall be issued for a one-year period only, subject to renewal. All such signs for a particular subdivision tract shall be, collectively, subject to the provisions of section 8-22101.8(b) to assure removal of such signs at the termination of the original sale of all lots within the tract, or the expiration of the sign permit, whichever shall occur first.
- (4) *Cooperative tract signs.* In addition to the subdivision tract signs for a particular tract allowed pursuant to the above provisions, one or more signs, displayed and maintained cooperatively by the developers of three or more subdivision tracts within the city, may be allowed upon property located proximate to a major entrance to the city, as a conditional use by the commission. Each such sign shall contain nonappurtenant sign copy which gives motorists directional and locational information to the tracts. Such signs shall be located in a planted landscaped area and shall be served by one off-street parking space for each tract advertised.
- (5) *Promotional signs.* Temporary signs consisting of banners, pennants or flags may be allowed for any model home complex or new apartment complexes, either attached to structures or on the premises where such structures are situated subject to the same provisions permitting temporary signs under section 8-22101.2(D) (commercial districts, promotional signs).

(G) *Construction Sites.* One temporary sign containing appurtenant sign copy, may be allowed for each street frontage of any lot or contiguous lots to identify enterprises engaged in the work on a construction site upon such lot or lots such as architectural, engineering or construction firms or to announce an intended and proposed future use of the lot or lots; provided, that in the case of signs for such enterprises a building permit shall have been issued prior to the issuance of the sign permit, and in the case of signs announcing future use, a building permit shall be obtained not later than one year from the date of issuance of the sign permit. Each enterprise or future use identified may be allowed up to twenty-four square feet in sign area; provided that no such sign shall exceed one hundred thirty square feet in sign area. Such signs may be either integral with a building or affixed to the ground. Each such sign shall be subject to the provisions of section 8-22101.8(b), to assure removal of the sign at the termination of the construction and commencement of the use of the improvements or at the expiration of the building permit, if construction is not completed and such building permit is not renewed or another permit obtained.

One temporary sign containing appurtenant sign copy may be allowed for each street frontage of any lot or

contiguous lots either to identify the new address or to describe the new location of an enterprise which formerly occupied the premises, where the building previously housing such enterprise has been or is in the process of being demolished in accordance with an approved permit for such action. Such signs may be either integral with the building or affixed to the ground and are limited to sixteen square feet in area and sixty days in duration. Each such sign shall be subject to the provisions of section 8-22101.8(b) at the end of the sixty-day duration.

(H) *Political Signs.* Political signs may be posted upon private property only, subject to the approval of the property owner(s), and subject to other provisions of law, no earlier than thirty days preceding the election for which the signs have been posted. A sign permit shall be required for all signs which exceed four square feet in area or which are to be posted on an unoccupied lot, accompanied by a written authorization from the property owner(s); however, no fee shall be charged therefor. Permit numbers may be assigned in advance of completion of the application and the application may be amended to include additional sign locations. The permit number shall have at least one-inch lettering and shall appear on the face of each sign posted for the purpose of identification. A sign permit shall not allow a sign in excess of thirty-two square feet in area or ten feet in height above grade. The permittee shall indicate in the application the approximate number and locations of the signs to be posted. At the conclusion of the election, all political signs, whether or not posted pursuant to a permit, shall be subject to abatement pursuant to the procedures prescribed in subsections (a) and (b) of section 8-22101.8.

(I) *Nonpolitical Campaign Signs.* Temporary nonpolitical signs, containing appurtenant or nonappurtenant sign copy announcing a campaign, drive or event of a public or quasi-public organization which has received tax-exempt status from the franchise tax board may be allowed upon any lot. No such sign shall be used more than one month prior to the particular campaign, drive or event announced in the sign.

A sign permit shall be required; however, no fee shall be charged therefor. The permit number shall appear on each sign posted for the purpose of identification. The permittee shall indicate in the application the approximate number and locations of the signs to be posted.

All such signs for a particular campaign, drive or event shall be collectively subject to the provisions of section 8-22101.8(b) to assure removal of such signs at the termination of the campaign, drive or event, or the expiration of one month from the initial use of any such sign, whichever shall occur first.

(J) *Roadside Stands.* A single low-profile, planter-type sign may be permitted on the same street frontage where the roadside stand is located. The sign may be located within five feet of the street right-of-way line and shall not exceed six feet in height nor twenty-four square feet in sign area.

A building sign may be maintained upon a single building frontage. A building sign may be allowed a sign area of one square foot for each linear foot of the width of such building frontage, up to a maximum sign area of thirty-two square feet. (Ord. No. 1309, § 2, 2-27-79.)

Sec. 8-22101.7. Commercial and industrial districts in proximity to freeways and controlled access highways.

(A) Freestanding Signs.

(1) *Lots wholly or partially within three hundred fifty feet of freeways or controlled access highways; prohibition.* No freestanding sign may be located on any lot any portion of which is situated within a distance of three hundred fifty feet of the right-of-way of any freeway or controlled access highway, except as allowed pursuant to item (3) of this section.

(2) *Lots wholly farther than three hundred fifty feet from but wholly or partially within one thousand feet of freeways or controlled access highways; height restriction.* Where a freestanding sign is permitted and such sign is one thousand feet or less from the right-of-way of a freeway or controlled access highway, the height of such sign shall not exceed the height of the main building on the lot.

(3) *Low-profile, planter-type sign.* On any lot any portion of which is situated within a distance of three hundred fifty feet of the right-of-way of a freeway or controlled access highway, one freestanding sign of a low-profile, planter-type design may be allowed pursuant to the following provisions:

(a) *Location:* Such sign shall be located in the front yard.

(b) *Sign area:* The sign area shall not exceed one square foot for every two feet of continuous linear street frontage of the lot upon which the sign is located and oriented, up to a maximum of one hundred square feet.

(c) *Height:* The height of such sign shall not exceed six feet.

(B) *Building Signs.* In addition to other signs permitted by this section, on any lot any portion of which is situated within a distance of three hundred fifty feet of the right-of-way of any freeway or controlled access highway, a building sign may be allowed on any building frontage. The sign area of any such building sign shall not exceed one square foot for each linear foot of the width of such building frontage. The total sign area of building signs on the building frontage shall not exceed five percent of the area of the building facade. (Ord. No. 1309, § 2, 2-27-79.)

Sec. 8-22101.8. Sign regulations; general limitations and restrictions.

The following regulations relating to general limitations and restrictions of signs shall govern signs in all districts:

(a) *Abatement of signs relating to inoperative functions.* Signs pertaining to enterprises or occupants that are no longer using a property shall be removed from the premises or sign copy on such signs shall be obliterated within thirty days after the associated enterprise or occupant has vacated the premises. Other signs of a temporary nature (including political signs) shall be removed within fifteen days following the event or election or other purpose served by the sign in the first instance. Any such sign not removed within the required period shall constitute a nuisance and shall be subject to summary abatement pursuant to Section 38663 of the California Government Code, and the expense of such abatement shall be a lien against the property on which the sign was maintained and a personal obligation against the property owner. Said property owner shall first be served with a notice to abate the nuisance and shall be given the opportunity for a hearing before the city manager. If, after such opportunity for hearing, the

city manager orders agents of the city to remove the nuisance, they shall have authority to enter upon the private property to remove the sign constituting the nuisance. The provisions of this subsection may be utilized separately from as an alternative to, or in conjunction with the provisions of subsection (b) of this section or any other remedy provided by law.

- (b) *Removal of temporary signs.* No sign permit for a temporary tract sign or a temporary sign announcing a campaign or event, or other temporary sign, except political signs, shall be issued unless and until the applicant therefor has signed an agreement that upon cessation of the use under the permit, the sign involved will promptly be removed within fifteen days after the expiration of the permit. Said agreement shall be accompanied by a prescribed sum as a deposit, which deposit may be used to defray the costs of sign removal in the event the permit holder defaults upon the agreement as aforesaid. If necessary, the city's agent may, after five days' notice to the original applicant and to the property owner of record, enter private property to remove such signs. Appropriate refunds to the permit holders shall be made upon written report by the chief building official to the city finance officer that sign removal has been satisfactorily accomplished. The provisions of this subsection may be utilized separately from, as an alternative to, or in conjunction with, the provisions of subsection (a), or any other remedy provided by law.
- (c) *Clearance from utility lines.* No permit shall be issued for any sign and no sign shall be constructed or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of California or rules and regulations duly promulgated by agencies thereof.
- (d) *Projection of signs over public ways.* No sign shall be located upon or project over a publicly maintained right-of-way; provided, however, that a maximum fifteen-inch projection of a sign may be permitted if such projection is necessary to contain components of the sign; except that a sign integral with a theater marquee may extend the length of the marquee, and a sign integral with a hotel marquee may extend a maximum of thirty-six inches over a publicly maintained right-of-way.
- (e) *Signs at intersections.* No sign, except for authorized traffic signs, shall be erected at the intersection of any streets in such manner as to create a traffic hazard by obstructing vision; or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign. (Ord. No. 1309, § 2, 2-27-79.)

Sec. 8-22101.9. Signs exempt from permits.

The following types of signs are permitted in any district without a sign permit, pursuant to section 22101(C). Such signs shall comply with the regulations pertaining in general to location of signs with reference to street intersections and to freeways and as otherwise provided herein:

- (1) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal devices or warnings at railroad crossings.
- (2) Memorial tablets or signs.

- (3) Signs required to be maintained by law or governmental order, rule or regulation, with a total surface area not exceeding ten square feet on any lot or parcel.
- (4) Signs which are within a ball park or other similar private recreational use and which cannot be seen from a public street or adjacent properties.
- (5) Flags or emblems of a civic, philanthropic, educational or religious organization maintained for a temporary period not in excess of one month.
- (6) Political signs, providing that they are temporary in nature.
- (7) Signs placed by a public utility for the safety, welfare or convenience of the public, such as signs identifying high voltage, public telephone or underground cable.
- (8) Signs upon a vehicle, provided that any such vehicle and signs thereon are not conspicuously parked or left standing so as to constitute a device or other type of sign pursuant to the definition of sign, except when being used for bona fide delivery and other vehicular purposes away from a fixed place of business.
- (9) Signs located inside a building or structure, provided any such sign is neither attached to windows with its sign copy visible from the outside, nor otherwise so located inside so as to be conspicuously visible and readable, without intentional and deliberate effort, from outside the building or structure.
- (10) A single sign placed on a lot in a residential subdivision designating the property for sale or lease, provided said sign does not exceed six square feet in sign area and when mounted on a post does not exceed six feet in height.
- (11) A temporary sign on land not within a residential subdivision offering said land for sale or lease, subject to all of the following conditions:
 - (a) any such lot is in excess of five acres in area;
 - (b) any such sign does not exceed thirty-two square feet in area.
 - (c) any such sign does not exceed ten feet in height;
 - (d) any such sign is set back at least ten feet from a property line;
 - (e) any such sign more than six feet in height shall be supported by two four-inch by six-inch poles placed four feet in the ground with the wide face of the pole parallel to the face of the sign;
 - (f) any such lot of less than five acres in area may be permitted a sign not to exceed sixteen square feet in area and six feet in height.
- (12) Murals or other artistic paintings on walls, provided no logos, emblems or other similar devices, sign copy or illustrations of activities associated with the uses on the premises or in the vicinity are included within the mural or painting. (Ord. No. 1309, § 2, 2-27-79.)

Sec. 8-22102. Animal feed yards, commercial; animal sales yards, commercial; kennels for dogs or cats, poultry farms.

Commercial animal feed yards, commercial animal sales yards, kennels for dogs or cats, structures or enclosures used to confine or feed poultry at a poultry farm shall be located no closer than two hundred feet from any property line, and shall show that odor, dust, noise, or drainage shall not constitute a nuisance or a hazard to adjoining property or uses. (Sec. 8-22102, Ord. 87; Ord. No. 1115, § 10, 10-12-76.)

Sec. 8-22103. Animal hospitals.

(a) No animal hospital shall be established closer than one hundred feet from any residential district, restaurant, hotel, or motel, in any district, and there shall be demonstrated that adequate measures and controls will be taken to prevent offensive noise and odor.

(b) Animal hospital located in a C-C District shall comply with the following requirements:

- (1) Location shall be on or near the periphery of the district.
- (2) Structures shall be designed and maintained in a manner to prevent the development of unsanitary conditions which could result in unpleasant odor or vermin nuisance.
- (3) Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so that animal noises will not be audible at any point on the perimeter of the property.

(c) Animal hospitals and veterinary clinics located on sites which have each of the following characteristics:

- (1) Small industrial sites where parcel configuration and size render the area unsuitable for large industry; and
- (2) Sites in areas relatively close to residential areas; and
- (3) Sites on a major thoroughfare which provide access to a residential area. (Sec. 8-22103, Ord. 87; Sec. 2, Ord. 536; Sec. 3, Ord. 733.)

Sec. 8-22103.5. Reserved.

Sec. 8-22104. Cemeteries, crematories, mausoleums and columbariums.

All cemeteries, crematories, mausoleums and columbariums shall provide entrances on a major or secondary thoroughfare with ingress and egress so designed as to minimize traffic congestion, and there shall be provided a minimum six-foot high wall or minimum three-foot thick, six-foot high evergreen hedge, or a minimum of twenty feet of permanently maintained planting strip on all property lines abutting any "R" District or street in an "R" District. (Sec. 8-22104, Ord. 87.)

Sec. 8-22105. Reserved.

Sec. 8-22106. Community buildings, social halls, lodges, fraternal organizations and clubs.

Whenever located in any "R" District, any community building, social hall, lodge, fraternal organization or club shall meet the following requirements:

(a) *Yard requirements.* All buildings must be a minimum of twenty feet from the side lot lines, and fifty feet from the rear lot line.

(b) *Commercial activity limited.* Retail sales for guests only shall be permitted, but there shall be no external evidence of any commercial activity, however incidental, nor any access to any space used for commercial activity other than from within the building.

(c) *Location on thoroughfare.* Any such uses must be located on a major or secondary thoroughfare or be able to provide access without causing heavy traffic on local residential streets. (Sec. 8-22106, Ord. 87.)

Sec. 8-22106.3. Condominium, community apartment, stock cooperative and townhouse projects.

(A) [*"Project" Defined.*] As used in this section, a "project" consists of either:

- (1) the construction of condominiums, community apartments, townhouses or buildings to be held by stock cooperatives; or
- (2) the conversion of dwelling units on a single lot to the condominium, community apartment, townhouse or stock cooperative form of ownership.

(B) [*Findings; Purpose.*]

- (1) There is insufficient assurance of guaranteed effective and continuous centralized management of each project to which this section applies. There is insufficient assurance of adequate construction performance standards relating to multiple-unit structures, concerning such matters as noise transmission between units. Such matters, if not given sufficient consideration, may create and perpetuate conditions having an especially deleterious effect upon the occupants of units of such projects. These pernicious effects may be especially magnified because the occupants, as owners of the units, may be less freely able to transfer ownership to others. This is particularly true when undesirable conditions exist. It is hereby found that each such project presents special land use problems involving potential slum and blight conditions which would be detrimental to the public health, safety, welfare and economic prosperity of the community.

(2) It is the purpose of the provisions of this section to attempt to assure that housing is provided to accommodate the needs of all people desiring to reside in the city. This section is enacted:

- (a) to insure that projects meet desirable physical and visual standards;
- (b) to insure the performance of a viable maintenance responsibility for the structures, common spaces and facilities, and to promote residential stability and diversity by encouraging neighborhood maintenance;
- (c) to insure that conversion projects are consistent with the housing element of the general plan and with state law;
- (d) to provide apartment tenants with adequate data relating to displacement and relocation as a result of conversion;
- (e) to insure that purchasers of dwelling units or rights to exclusive occupancy thereof in conversion projects are informed as to the physical conditions of the structure and on-site facilities.

(C) [*Conditional Use Permit Required.*] No project shall be established, undertaken, operated, set up, enlarged or maintained unless and until a conditional use permit therefor shall have been obtained. No such permit shall be issued unless the applicable zoning district regulations otherwise allow multiple occupancy for the uses requested, upon a single parcel of land, and unless the project is in conformance with the provisions of subsection (D) hereof.

(D) [*Project Applications.*]

- (1) Conversion projects shall be accomplished only through a public hearing process. The applicant shall submit a list of names and addresses of all tenants within the project area and of property owners within three hundred feet of the property which is the subject of the project, along with stamped and addressed envelopes.
- (2) Each project application shall include the following:
 - (a) Site plans showing the property boundary, existing topography of the site, and the location of all existing easements, structures, parking and other improvements.
 - (b) A list showing the percentages of open space, building coverage, parking, and circulation areas and number of parking spaces, covered and open.
 - (c) Scaled development plans showing typical floor plans and building elevations.
 - (d) A full disclosure inspection document prepared by a California-licensed structural civil engineer or architect. Such document shall evaluate the physical conditions of the development such as foundation, wall section and sound insulation, including any deficiencies in electrical, plumbing and structure, pest damages, smoke detectors, mechanical equipment, and isolation and security regulations standards, together with recommendations relating thereto in order to assure their continued viability for a minimum of five years.
 - (e) A statement of repairs, improvements and architectural changes the applicant plans to make before conveyance of the units.

(f) A soils report, if not previously prepared, in compliance with the provisions of the Subdivision Map Act.

(3) All projects shall conform to the following requirements:

(a) The provisions of Article 20 of this chapter relating to off-street parking and loading, and with the development policy for private vehicle access ways in effect at the time of approval of the project.

(b) A homeowners' association shall be established. It shall assume continual maintenance responsibility for all common areas, landscaping, plumbing, fire protection water system, wiring, utility charges and exterior of the buildings. Where the project consists of twenty or more dwelling units, the association shall be required to contract with a professional management firm to handle management operations and collection procedures. A professional management firm shall mean a business entity which is accredited as a property management organization or an individual who is certified as a property manager, indicating competency in managing a condominium or other project within the scope of this section.

(c) All electrical and mechanical equipment shall conform to the applicable city codes at the time of approval of the project.

(d) The interior and exterior sound transmission standards shall be those in effect at the time of project approval, pursuant to the Housing Code (Title 25, California Administrative Code) and Chapter 1 of Title VII of this Code (subdivision ordinance).

(e) Smoke detectors in individual units and in common hallways shall be installed, subject to approval of the fire department.

(f) Provision for a one-year warranty on all appliances in each unit, and on all electrical, heating, air conditioning, plumbing, ventilation equipment and elevators.

(g) Provisions for one hundred cubic feet of storage space for each unit, excluding dwelling unit closet space, subject to approval of the development organization. Exterior storage space shall be waterproof and lockable.

(h) Central refuse collection facilities shall be provided in accordance with section 8-22126. The maintenance of such facilities and the payment of the refuse collection fees shall be the responsibility of the homeowners' association.

(4) In addition, all conversion projects shall conform to the following requirements:

(a) The decision-making body as to the project shall find that the proposed conversion will not conflict with the goals and policies of the housing element of the general plan.

(b) Open space and recreational areas shall conform to the R-G district regulations in effect at the time

of approval of the project. All exterior common areas shall be refurbished to a condition acceptable to the public works director.

- (c) Necessary repairs of roofs and exteriors of the buildings shall be made to insure a minimum maintenance-free period of five years from the date of project approval.
 - (d) Each dwelling unit shall have its own separate gas and electric metering. The commission may waive this requirement if it determines that the benefit of such separate metering is insignificant compared to the total merit of a project, and if the chief building official has found such separate metering to be infeasible.
 - (e) All permanent mechanical equipment, including domestic appliances, which the chief building official determines to be a source of vibration or noise, shall be shock-mounted and isolated from the floor and ceiling to minimize the transmission of vibration and noise in order to meet the standards set forth in the Housing Code (Title 25, California Administrative Code).
 - (f) All buildings in the project shall be modified to comply with the building security regulations set forth in Chapter 41 of the Uniform Building Code, as adopted pursuant to section 7-1218 of Ordinance No. 1146.
 - (g) The applicant shall provide relocation information consisting of data indicating the current and continually available, competitively priced, decent, safe and sanitary dwelling units within the tri-cities area (Fremont, Newark and Union City). The number of available dwelling units shall be sufficient to assure accommodation of such displaced tenants. This requirement shall not be applicable if the director of planning determines, on the basis of a representative sampling of apartment buildings conducted by the city, that the city-wide apartment vacancy rate exceeds five percent. Any such representative sampling used shall not be more than ninety days old.
 - (n) The applicant shall give the tenants written notice of intention to convert to the condominium, community apartment, stock cooperative, or townhouse form of ownership and shall offer exclusive rights to purchase their respective units or appropriate property interests pursuant to Section 66427.1 of the Government Code. The notice requirement of said section shall be applicable to stock cooperative and townhouse conversions, and the contractual right to purchase provisions thereof shall be construed to apply to purchase of the appropriate property interests in stock cooperatives and townhouses for purposes of this section.
- (5) No conversion project shall be approved by the commission if the director of planning determines, on the basis of a representative sampling of apartment buildings conducted by the city, that the city-wide apartment vacancy rate is less than three percent. The apartment vacancy rate in effect at the time a complete application of a project is accepted for filing, shall be applicable in the commission's consideration of the project. Any such representative sampling shall not be more than ninety days old.

(E) *[Information and Documents To Be Furnished to Potential or Actual Purchasers.]* The applicant for a project shall provide the following information and documents to all potential and actual purchasers:

- (1) a summary of the proposed range of sales prices for each unit, including any favorable terms to the present tenants;
- (2) a list of all services and facilities proposed to be furnished to individual owners, and a statement of all fees and conditions applicable to the use of such services and facilities;
- (3) a statement of the estimated annual operating and maintenance costs for all common facilities reviewed or prepared by a professional management firm familiar with operating and maintenance costs of similar property in the area, together with a recommendation of said management firm;
- (4) a termite inspection report;
- (5) any proposed deed restrictions.

(F) *[Notice to Tenants.]* The owner of a project approved as a condominium project shall give all new tenants written notice of approval to convert to the condominium form of ownership.

(G) *[Applicability of Zoning District Regulations.]* Except as provided in this section, any use of a structure, lot or parcel, otherwise allowed pursuant to the regulations applicable in the particular zoning district involved, shall not be treated differently because the ownership thereof is divided or established by the sale or creation or use of community apartments, condominiums, stock cooperatives or townhouses, rather than by lease of apartments, offices or stores. (Ord. No. 442, § 2; Ord. No. 1332, § 6, 6-26-79; Ord. No. 1344, §§ 1, 2, 10-16-79.)

Sec. 8-22106.5. Construction yards, temporary.

Construction yards, as defined in this chapter, shall be allowed in any district, subject to the following requirements, restrictions, limitations and standards:

(a) *Permit required.* No such use shall be established or maintained unless and until there has been issued and there is in full force and effect a use permit therefor approved by the zoning administrator. The application for any such permit shall be in writing, and shall have appended thereto a plot plan showing (1) the location of the construction yard and the area it will serve, (2) the yard's relationship to streets giving access thereto, and (3) the land uses in the immediate vicinity of the yard. The application shall also contain a general statement as to the purpose and extent of the yard and the activities to be conducted thereon, and of the powered machines which will be operated thereon. The zoning administrator further may require the submission of such other information as is deemed necessary to process the application.

(b) *Fencing may be required.* Whenever the zoning administrator deems it necessary in order to protect the peace, health, safety or welfare of other persons in the vicinity or of the general public, a construction yard permit may carry a condition requiring the yard to be wholly or partly enclosed by fencing of such material and construction as is necessary to provide said protection of peace, health, safety or welfare.

(c) *Cleanup of premises.* No such permit shall be issued unless and until the applicant therefor has signed an agreement that upon cessation of the use under the permit, the premises involved will promptly be cleaned up and returned to substantially the same condition as existed prior to commencement of such use. It may be required, in the discretion of the zoning administrator that such agreement be accompanied by a prescribed sum as a deposit, which deposit may be used to defray the costs of the city's cleaning the premises in the event the permit holder defaults upon the agreement as aforesaid, and that the agreement appropriately provides for the city to enter upon the property for such purposes.

(d) *Permit period limited.* The initial permit for a construction yard shall be issued to be effective for a period of two years or such lesser period as the zoning administrator deems necessary to serve the applicant's purpose. Such permit is subject to renewal for additional one-year periods.

(e) *Issuance of permit.* In approving issuance of the necessary permit, the zoning administrator shall have the authority and duty to impose such reasonable conditions and restrictions as are, in his discretion, necessary or advisable in order to protect the peace, health, safety and general welfare of persons or property in the vicinity, or of the general public; provided however, that the zoning administrator may deny an application for a permit in any case where he finds that the issuance thereof, even with conditions and restrictions, would be unduly detrimental to the peace, health or welfare of other persons or properties, private or public, in the vicinity, or to the public interests.

(f) *Reports from other departments.* Before approving any such permit, the zoning administrator shall refer copies of the application therefor to such other city departments and public agencies as the city manager may from time to time direct. Such referral shall be for the purpose of receiving reports, recommendations or protests from such other departments or agencies concerning such applications. The failure

of any such department or agency to respond or report within ten days shall be deemed to indicate no protest against the application by the department or agency to which such referral has been made. Except as to the directions issued by the city manager, any such report, recommendation or protest shall be advisory only, insofar as the final action on the application by the zoning administrator is concerned.

(g) *Revocation of permits.* The zoning administrator shall have the power and authority to revoke any permit issued pursuant to this section at any time that he shall find that:

- (1) The necessity for such permit has terminated;
- (2) The conditions imposed in connection with such permit have been violated or not adhered to;
- (3) There exists any state of facts which would have been good reason to deny issuance of the permit when applied for, regardless of when such state of facts arose;
- (4) The protection of the health or safety of any person or the general public, or the protection of the rights of any person to peaceable and unmolested enjoyment of his property requires such revocation; or
- (5) The activities at the construction yard have substantially exceeded those set forth in the application permit, or the yard has been used substantially to service areas not encompassed within the plot plan pursuant to which the permit was issued.

(h) *Effective date of permit.* Any such permit issued by the zoning administrator shall not be effective for ten days following its issuance. (Sec. 10, Ord. 382; Sec. 1, Ord. 532; Ord. No. 832, § 28, 4-20-71; Ord. No. 1099, § 14, 5-25-76; Ord. No. 1209, § 1, 11-1-77.)

Sec. 8-22106.6. Nursing homes and convalescent hospitals.

All nursing homes and convalescent hospitals shall meet and be subject to the following minimum requirements:

(a) *Access.* In approving any conditional use permit application the commission shall specify a point or points of access to the public streets which will cause the least burden upon the adjacent existing or planned street system and surrounding land uses.

(b) *Land coverage.* The building shall not cover more than forty per cent of the net site area, and at least twenty-five per cent of the net site area (excluding parking area and vehicular access drives) shall be landscaped or developed as recreational open space.

(c) *Usable open space.* Seventy square feet of usable open space shall be provided for each patient bed. The landscaped or recreational open space to be provided pursuant to subsection (b) may be included as usable open space to the extent it meets the criteria for usable open space as defined in this chapter and this subsection (c).

(d) *Screening.* Along all property lines abutting any R-E, R-1, or R-2 zoning district, there shall be installed and maintained a solid masonry wall not less than four feet nor more than six feet in height, or a landscaped strip with a minimum width of ten feet and containing landscaped materials which provide the general screening effect that would otherwise be obtained by a fence or wall. Loading facilities shall be screened from adjoining properties, and, insofar as practicable, from the view of patients from their rooms within the hospital. (Sec. 2, Ord. 616; Ord. No. 1099, § 15, 5-25-76.)

Sec. 8-22107. Country clubs and golf courses.

The following regulations and requirements shall apply to

country clubs and golf courses:

(a) *Location of buildings.* No building shall be located within one hundred feet of any property line.

(b) *Location of restaurants.* Facilities such as restaurants and bars may be permitted when occupying an integral part of a main structure and there is no exterior display or advertising.

(c) *Location of recreation facilities.* Golf fairways, swimming pools, tennis courts, and the like, shall be located not less than twenty-five feet from any property line, and adjoining property in any "R" District or "C" District shall be effectively protected by a wall, hedge, and/or heavy screen planting. (Sec. 8-22107, Ord. 87.)

Sec. 8-22108. Drive-in theaters.

All drive-in theaters shall be located on major or secondary thoroughfares. There shall be provided ingress and egress so designed as to minimize traffic congestion. They shall be located sufficiently distant from any "R" District or existing dwelling, and so screened from such district or dwelling that any noise shall not disturb residents, and lighted signs and other lights shall be maintained in such a way as not to disturb neighboring residents. (Sec. 8-22108, Ord. 87.)

Sec. 8-22109. Dwelling groups.

(a) *Area of lot.* The area of the lot on which any dwelling group is to be erected shall be at least equal to the aggregate of the minimum lot areas otherwise required for the individual dwellings in the group.

(b) *Distance between buildings.* In each case where the buildings are not attached, the distances between principal buildings shall be not less than the sum of the least widths of side yards required for the district in which the dwelling group is to be located.

(c) *Yard requirements.* The distance between principal buildings, whether attached or detached, and the nearest lot lines other than a front lot line, shall be not less than the height of the building, nor less than required for a principal building in the district in which located. The front set back shall be that of the zoning district in which located.

(d) *Other requirements.*

(1) Except as modified in this section, such dwelling group shall conform to all the requirements of this chapter for the district in which it is to be located.

(2) Site plan and architectural approval are required:

(3) Whenever the area of the lot on which any dwelling group is to be erected is one or more acres, the owner shall record with the county recorder a notice, satisfactory to the city attorney and containing a legal description of the lot and a statement that the lot has been developed as a dwelling group pursuant to this chapter, prior to the issuance of a building permit for such development. (Sec. 8-22109, Ord. 87; Sec. 6, Ord. No. 296; Sec. 1, Ord. 470; Sec. 2, Ord. 524.)

Sec. 8-22110. Repealed by Sec. 1, Ord. 441.

Sec. 8-22111. Gasoline service stations.

Gasoline service stations shall meet the following special conditions:

(a) *Relation to schools and playgrounds.* No gasoline service station shall have an entrance or exit for vehicles

within two hundred feet along the same side of a street of any elementary school or public playground, except where such property is in another block.

(b) *Oil drain pits.* No gasoline service station or public garage shall be permitted where any oil draining pit or visible appliance for any such purpose, other than filling caps, is located within twelve feet of any street lot line or within twenty-five feet of any R district, except where such appliance or pit is within a building.

(c) *Supplying of goods and services not related to automobile operation.* When a conditional use permit shall have been authorized and issued so as to permit a lot to be used as a gasoline service station or automobile service station, or if a lot is primarily used as a gasoline service station or automobile service station as a non-conforming use, the only uses permitted thereon shall be the supplying of those particular goods and services which are described in the first and third sentences of section 8-2111, unless the supplying of other goods and services is expressly authorized by conditional use permit and is otherwise allowed in the zoning district in which the lot is situated. The reviewing agency for such conditional use permits shall be the zoning administrator; provided, however, that where the zoning administrator determines that an application for such a use permit is of such a nature that it warrants consideration by the planning commission, he shall refer the application to the commission. When any conditional use permit is granted authorizing the supplying of such other goods and services, the following limitations and standards shall be applicable:

(1) No alcoholic beverages shall be served or consumed on the premises. Alcoholic beverages may be sold if such sales are incidental and accessory to the operation of the facility as a convenience food store.

(2) No food or beverage sold for immediate consumption on the premises shall be dispensed or distributed in plastic or paper containers, unless it is dispensed by vending machine.

(3) Sales of merchandise not accessory to the normal operation and maintenance of automobiles, except for automotive goods customarily sold in food stores, shall be transacted in rooms separate and distinct from rooms in which sales and services related to automobile operation are transacted or conducted; provided, however, that this sentence shall not apply to the sale of small, nonfood novelty and variety items, including, but not limited to cigarettes, key chains and pens, where such sales are accessory and incidental to the use of the premises as a gasoline station.

(4) The lot on which the combination of uses is to occur shall conform to the current requirements of this chapter as to off-street parking, loading, screening, landscaping and fencing, notwithstanding any provision of section 8-22308 to the contrary.

(5) When any building designed, constructed and intended for use as a portion of a gasoline service station or automobile service station is to be used for the supplying of goods and services for which a conditional use permit is required pursuant to this subsection, such building shall conform to the

energy conservation requirements in effect at the time such use is to commence, and its architectural character shall be suitable for and compatible with the combination of uses.

This subsection shall not be construed:

- (1) to prohibit the authorization of convenience food stores with gasoline pumps in the appropriate zoning districts, where the sale of gasoline is accessory or incidental to the principal use of sale of food products on the premises; or
- (2) to prohibit the sale through coin-operated vending machines of candy, chewing gum, soft drinks, other nonalcoholic beverages, or other food products within portions of buildings designed and intended for use as lounging or resting areas for the motoring public, where such sales are accessory and incidental to the use of the premises as a gasoline service station;
- (3) to prohibit the sale of small nonfood novelty and variety items, including but not limited to cigarettes, key chains and pens, where such sales are accessory and incidental to the use of the premises as a gasoline service station. (Ord. No. 87, § 8-22111; Ord. No. 1120, § 18, 11-2-76; Ord. No. 1324, § 9, 5-1-79.)

Sec. 8-22112. Reserved.

Sec. 8-22113. Golf driving ranges.

All golf driving ranges shall be located on major or secondary thoroughfares or nonresidential streets. Floodlights used to illuminate the premises shall be so directed and shielded as not to be an annoyance to any developed residential property. The golf driving platform shall be not less than two hundred feet from any adjacent "R" District or existing dwelling. A conditional use permit may be issued for a period of not to exceed one year and is subject to renewal from year to year thereafter. (Sec. 8-22113, Ord. 87.)

Sec. 8-22113.5. Home occupations.

A. The zoning administrator shall use the following criteria in evaluating an application for a use permit pursuant to this section:

- (a) The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- (b) That portion of the use conducted in the dwelling unit shall be carried on solely by the resident thereof.
- (c) All uses shall be conducted only in one room of the dwelling or an attached garage and shall not occur in an accessory structure or detached garage. In no case shall the home occupation or occupations occupy more than one fourth of the floor area on one floor of the dwelling or that portion of an attached garage required for vehicular parking.
- (d) Materials used in home occupation(s) shall be stored only in the room used for the home occupation or in that area of the garage not required for parking.
- (e) The use shall not entail the use or storage of explosive, flammable or otherwise hazardous materials.
- (f) The mechanical or electrical equipment used in connection with the home occupation shall not require an electrical motor exceeding fifteen amperes at one hundred ten volts or the equivalent thereof and not be operated in such a manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitivity residing in the area.
- (g) The entrance to the room in which the home occupation is conducted shall be exclusively from within the dwelling.
- (h) The appearance of the dwelling shall not be altered nor shall the home occupation be conducted in such a manner that it may be reasonably recognized as serving a nonresidential use either by color, materials, construction, lighting, signs, sounds, or vibrations.
- (i) No signs or displays shall be used to identify the home occupation.
- (j) Vehicles delivering materials used in the home occupation shall not exceed one ton load capacity.
- (k) The use shall not attract more than two vehicles concurrently nor more than ten vehicles per day.
- (l) The use shall not generate pedestrian traffic beyond that normal to the district.

(m) The home occupation may include the use of one commercial vehicle not exceeding one ton.

(n) The use shall not generate waste in excess of thirty gallons per week.

B. The following uses are expressly prohibited:

(a) Repair or construction of motor vehicles and large appliances.

(b) Massage parlors, dating services, photo schools, dance studios for persons over sixteen years old.

C. Conditional use permits for home occupations shall be subject to the following limitations:

(a) A conditional use permit for a home occupation shall be issued for a period not to exceed five years, subject to renewal, if the zoning administrator finds that such use has had no adverse affect on adjacent properties and the resident has complied with the criteria and conditions of the use permit.

(b) A conditional use permit issued for a home occupation is not transferable. Applications for use permits by tenants shall be signed by the owner of the lot indicating the approval of the owner that said property may be used for the purposes intended. (Ord. No. 1086, § 16, 1-20-76.)

Sec. 8-22114. Hospitals, churches or other religious or eleemosynary institutions.

Hospitals, churches, and other religious or eleemosynary institutions, shall be subject to the following requirements:

(a) *Location and area.* Such uses shall be located on a major or secondary thoroughfare, on a minimum lot of two acres, except that:

- (1) Any such use which is integrated into an activity cluster may be permitted upon a lot with a minimum area of one acre, provided that an approved permanent easement for joint use of parking facilities is established in conjunction with at least one other use with the activity cluster. (For the purpose of this section, an "activity cluster" shall mean a grouping of two or more commercial, recreational, educational, or religious uses located upon a single lot or adjacent lots or within a planned district or other unified development.)
- (2) A church designed to accommodate a total seating capacity for not more than one hundred fifty persons in the main assembly room (including auxiliary rooms which adjoin and open into the main assembly room and which would increase the total seating capacity thereof), may be permitted with frontage on a collector street, and on a lot with a minimum area of one acre (except that a church may be permitted on any existing legal lot in a commercial district in which churches are permitted uses, provided that the church is to be located within an existing building redesigned for or

limited to said total seating capacity), and a maximum area of two acres; provided, that the commission shall hold a public hearing pursuant to section 8-22507 of this Code before a conditional use permit is granted.

(b) *Open space.* At least twenty-five per cent of the lot area of the lot of any such use shall be in open space.

(c) *Site acreage exceptions for churches on thoroughfares.* The commission may, after a public hearing, grant an exception to the minimum site size requirement of two acres for a church on a thoroughfare providing all of the following findings can be made:

- (1) Any building or buildings are for the purposes of religious services only, with any educational or other facilities limited to ten per cent of the floor area.
- (2) The denomination has a history and planning policy of many small, limited membership and congregations.
- (3) A side lot line is contiguous to open space uses, such as a school, park, recreation center or public or quasi-public right-of-way of at least sixty-foot minimum width.
- (4) The site design is of superior quality and is compatible with adjacent development.
- (5) The yard setbacks in residential districts shall be:
Front yard: Conformance to district regulations;
Side yard: Twenty-five feet;
Rear yard: Fifty feet.

(Sec. 8-22114, Ord. 87; Sec. 1, Ord. 162; Sec. 1, Ord. 658; Sec. 1, Ord. 679; Ord. No. 982, § 11, 3-26-74; Ord. No. 1062, § 1, 8-26-75.)

Sec. 8-22115. Labor camps.

All labor camps shall meet the following minimum requirements:

(a) *Location of structure.* No structure shall be located closer than twenty feet from any property line, and not closer than fifty feet from the front lot line. When adjoining an "R" District, no structure shall be closer than one hundred feet from the adjoining property line.

(b) *Site area.* The aggregate site area shall contain not less than three thousand square feet of land area for each tent, trailer space, cabin or each three workers, whichever is greater, and no structure shall be closer than ten feet from any other structure.

(c) *Recreation area.* A usable recreation area shall be provided for each labor camp, and shall contain not less than two hundred square feet of area for each dwelling space or unit or for each three occupants, whichever is greater.

(d) *Maintenance of roads and parking areas.* Access roads and parking areas shall have a durable and dust-free surface, and the area shall be so graded as to dispose of all surface water accumulated within the area.

(e) *Limitation on use permit.* A conditional use permit application for a labor camp may be approved by the zoning administrator for a period not to exceed one year, subject to renewal. (Sec. 8-2215, Ord. 87; Sec. 1, Ord. 385; Ord. No. 1099, § 16, 5-25-76.)

Sec. 8-22116. Landing strips for aircraft or heliports.

All landing strips for aircraft or heliports shall be located no closer than six hundred feet from any existing dwelling, shall provide runways so oriented that aircraft landing and taking

off do not pass directly over dwellings, shall be located so that air or land traffic shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive dust, noise, vibrations, or bright lights. (Sec. 8-22116, Ord. 87.)

Sec. 8-22117. Nursery schools.

Day care centers for seven or more children shall maintain a minimum six foot high solid board fence or masonry wall on any property line abutting a residential district. A nursery school shall be located on a minimum ten thousand square foot lot and shall not develop excessive traffic on local residential streets. (Sec. 8-22117, Ord. 87; Ord. No. 1076, § 1, 12-2-75; Ord. No. 1098, § 1, 5-4-76.)

Sec. 8-22117.5. Mailboxes prohibited in residential yards; exception.

No provision in this chapter shall be construed as permitting the placement or maintenance (except as a valid nonconforming use) of the box for the delivery of mail, within a required front or side yard if it is an integral part or attached directly to a permitted building; provided, further, that where pursuant to its rules, regulations, policies, procedures or practices, the United States Postal Service would not deliver mail to a box unless it were placed within the limits of a public right-of-way or within a required front or side yard, the zoning administrator may issue a permit authorizing the placement of such box within a required front or side yard if he finds that it would be impractical to place such box within the public right-of-way and that it would be necessary that the box be placed in a required front or side yard to assure delivery of mail. Such permit shall provide that if and when any such rules, regulations, policies, procedures or practices are amended so that the permittee may obtain mail delivery without the placement of the mailbox in the public right-of-way or in a required front or side yard, the permit shall expire and the permittee shall be required to remove the mail delivery box within sixty days of written notice from the zoning administrator to do so. If and when any such amendment occurs, the zoning administrator shall notify each such permittee in writing to remove such mail delivery box from the required front or side yard within sixty days of the date of notice and each such permittee shall remove such box within said period. (Sec. 2, Ord. 588; Ord. No. 1053, § 1, 7-1-75.)

Sec. 8-22117.8. Mobile homes not in mobile home parks.

Mobile homes, as defined by this chapter, shall only be allowed for human occupancy outside the limits of mobile home parks pursuant to the following specifications:

(a) *Caretaker mobile homes.* In order to provide continuous security for historical sites designated by the general plan, public and quasi-public uses, uses in industrial districts and commercial stables, riding academies, and private noncommercial, recreational stables (not including those stables requiring a permit pursuant to Title III, Chapter 5 of this Code), mobile homes occupied by caretakers or other like security personnel shall be allowed in conjunction with such uses. No such mobile home shall be established and maintained until a use permit granted by the zoning administrator shall allow it, subject to the following general limitations:

- (1) The mobile home may be occupied for living and/or office purposes only by the caretaker and his immediate family members. The number and relationship of mobile home occupants shall be specified in the use permit

application.

- (2) Only one mobile home shall be allowed for each premises.
- (3) The mobile home shall be located in such a fashion as to be generally screened from public view. The zoning administrator shall determine the acceptability of screening elements.
- (4) Two off-street parking spaces shall be provided for the mobile home.
- (5) The mobile home shall be located on the premises only as long as the principal use occupies the site.

(b) *Construction site trailers:* A trailer for the temporary occupancy of watchmen, supervisory or other special personnel may be located at or immediately adjoining a major construction or demolition site, subject to the provisions of section 8-22125.

(c) *Agricultural mobile homes:* Employees and relatives of the proprietor of a principal agricultural use may reside in a mobile home (with or without kitchen facilities) for which a use permit has been approved by the zoning administrator, subject to the following general limitations:

- (1) The mobile home shall only be allowed on such premises where there is an existing principal dwelling unit.
- (2) Only one mobile home shall be allowed for each premises; provided that no such mobile home shall be allowed where a single-family dwelling has been constructed upon the premises which is occupied by close family members.
- (3) The mobile home may be occupied by a person employed by or related to the proprietor of the agricultural use. The immediate family members of that person may also reside in the mobile home. Such a person may live in the mobile home provided he/she performs farming or domestic duties on the premises. The number and relationship of the mobile home occupants shall be specified in the use permit application.
- (4) The mobile home shall be located in proximity to the principal dwelling unit and shall be generally screened from public view. The zoning administrator shall determine acceptability of screening elements.
- (5) Two off-street parking spaces shall be provided for the mobile home.
- (6) The mobile home shall be located on the premises only as long as the principal dwelling occupies the site.

(d) *Temporary office trailers for business:* An establishing or expanding business in an industrial or commercial district may obtain a use permit for a temporary office trailer, subject to the provisions of section 8-22124.

(e) *Temporary and seasonal use trailers:* Temporary and seasonal uses, as defined by section 8-22210, may be allowed in trailers or mobile homes in accordance with the provisions of that section.

(f) *Tract office trailers:* In order to provide a sales capability for residential subdivisions during the time between commencement of model home construction and occupancy of the model homes for sales purposes, trailers shall be allowed as temporary tract offices. No trailer shall be established and maintained until such a trailer is approved as part of a use permit approved by the zoning administrator in accordance with the provisions of section 8-22123 and the following specific standards:

- (1) The trailer shall be located in proximity to the model

home complex, skirted by a material compatible with the unit, and screened with large landscaping.

- (2) The trailer shall be removed from the premises concurrent with occupancy of the model homes for sales purposes.
- (3) Off-street parking shall be adjacent to the trailer and have a dustless surface. (Ord. No. 1026, § 2, 1-21-75; Ord. 1099, § 17, 5-25-76.)

Sec. 8-22118. Reserved.

Editor's note—Section 13 of Ord. No. 1115, enacted Oct. 12, 1976, repealed former § 8-22118, pertaining to poultry farms and buildings, and derived from Ord. No. 87, Sec. 8-22118.

Sec. 8-22119. Roadside stands.

Roadside stands, as defined in this chapter, shall be allowed only in districts which expressly permit them, subject to the following:

- (a) All produce sold on the premises shall have been raised by the operator of the stand.
- (b) Produce sold from the stand shall consist of at least one commodity grown on the lot on which the stand is situated by the operator of the stand.
- (c) At least one acre of produce shall be grown on the lot on which the stand is located.
- (d) The roadside stand shall not exceed four hundred square feet in area.
- (e) A storage structure in conjunction with a roadside stand may be permitted provided it does not exceed two hundred square feet in area.
- (f) Only one roadside stand shall be allowed on a lot.
- (g) Permit required. No such use shall be established or maintained unless and until there has been issued and there is in full force and effect a permit therefor issued by the chief building official. The permit shall be valid for one year at an annual fee established in the master fee resolution. Such permit and fee shall provide for the operation of the stand and authorized signs. The application for any such permit shall be in writing and shall have appended thereto:
 - (1) The location of the roadside stand;
 - (2) The zoning district in which the roadside stand is located;
 - (3) The name and address of the owner of the premises upon which the stand is located;
 - (4) The name and address of the operator of the stand;
 - (5) The location, ownership and the interest of the operator of the stand in the land where the produce is grown.

The chief building official further may require the submission of such other information as is deemed necessary to process the application and enforce the provisions of this section.

- (h) Issuance of permit. The chief building official shall issue a permit if it appears that the stand is located in a district allowing such use and such stand is in fact an accessory use to the principal use on the same lot and will be in compliance with this section.
- (i) Posting of permit. The permittee shall post a copy of the permit issued in a conspicuous place within the stand where it may be readily inspected and read.

- (j) Revocation of permit. The chief building official may revoke the permit for violation of any conditions of this section and failure to correct violations within ten days of written notice of such violations. (Ord. No. 877, § 1, 1-18-72; Ord. No. 1174, § 15, 6-14-77.)

Sec. 8-22120. Recreational facilities, commercial.

Amusement centers, bowling alleys, dance halls, and similar places of amusement, shall provide parking and ingress and egress designed so as to minimize traffic congestion, shall be not less than twenty feet from any property line, shall provide a minimum six-foot solid board fence or masonry wall separating the entire area from abutting residential property, and shall show that adequate controls or measures will be taken to prevent offensive noise. (Sec. 8-22120, Ord. 87.)

Sec. 8-22121. Reserved.

Sec. 8-22122. Swimming pools.

No swimming pool shall be allowed in an "R" District unless it is a conditional use, or, if it is an accessory use and complies with the following conditions and requirements:

(a) *Use limited.* It is intended and is to be used solely for the employment [enjoyment] of the occupants and their guests of the principal use of the property on which it is located.

(b) *Location.* It shall not be located in any required front yard, nor within the limits of any public utility easement except as specified in section 8-2204(e) of this Code, nor closer than five feet to any lot line or any building or structure.

(c) *Mechanical equipment.* No heater, filter, or other mechanical equipment shall be located within three feet of any side property line or within five feet of any rear property line.

(d) *Fencing pool site.*

(1) *Private swimming pools and public or semipublic pools.* A private swimming pool, or the property on which such pool is located, shall be surrounded by structures, walls or fences at least five feet high and of such nature that a small child may not reach the pool from the street or from adjacent property without opening a door or gate or scaling a wall or fence. A public or semipublic swimming pool, or the property on which such pool is located, shall be surrounded by structures, walls or fences at least six feet high and of such nature that a small child may not reach the pool from the street or from an adjacent property without opening a door or gate or scaling a wall or fence.

(2) *Two-family and multiple-family developments.* A swimming pool or other body of water having a depth of more than eighteen inches, located on a property upon which two-family or multiple dwellings are located shall be protected as follows: The area of the pool or body of water shall be completely enclosed by a nonview-obstructing, ornamental fence not less than four feet in height or by such a fence and a non-resident structure, or a residential structure having no door opening to the immediate area containing the pool or body of water, to which such fence is connected. The fence or structure shall be constructed so as to prevent any person, including small children, from passing through, over or under the same except at gates therein. All gates or doors providing direct access to this body of water shall be equipped with a self-closing and

self-latching device designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use. Such latching device shall be placed at least three feet eight inches above ground level or otherwise made inaccessible to small children.

- (3) *General.* In the case of all swimming pools, if the pool is located within fifty feet of any lot line it shall be screened by a structure or fence at least five feet high and so constructed and maintained that it precludes visibility of the pool from any street, or adjoining property, provided, however, that the city manager shall have authority to waive this requirement for screening in whole or in part in any case where he determines that because of the topography of the lands involved, or because of other physical characteristics of the pool site, such screening would be impossible or impracticable. (Sec. 8-22122, Ord. 87; Ord. 126; Sec. 1, Ord. 240; Sec. 1, Ord. 567; Ord. No. 838, § 2, 5-18-71; Ord. No. 987, § 3, 4-2-74; Ord. No. 1211, § 4, 11-8-77.)

Sec. 8-22123. Tract offices, temporary.

Temporary tract offices, as defined in this chapter, shall be allowed in any district, subject to the following requirements, restrictions, limitations and standards:

(a) *Permit required.* No such use shall be established or maintained unless or until there has been issued a conditional use permit therefor approved by the zoning administrator. The application for any such permit shall be in writing and shall have appended thereto a plot plan showing (1) the location of the tract office and the area it will serve and (2) the relationship of the tract office to streets giving access thereto. The zoning administrator further may require the submission of such other information as is deemed necessary to process the application.

(b) *Permit period limited.* The initial permit for a temporary tract office shall be issued to be effective for a period of two years or such lesser period as the zoning administrator deems necessary to serve the applicant's purpose. Such permit is subject to renewal for additional one-year periods.

(c) *Approval of permit.* In approving a permit application, the zoning administrator shall have the authority and duty to impose such reasonable conditions and restrictions as are, in his discretion, necessary or advisable in order to protect the peace, health, safety and general welfare of persons or property in the vicinity, or of the general public; provided however, that the zoning administrator may deny an application for a permit in any case where he finds that the issuance thereof, even with conditions and restrictions, would be unduly detrimental to the peace, health or welfare of other persons or properties, private or public, in the vicinity, or to the public interest.

(d) *Reports from other departments.* Before approving any such permit application, the zoning administrator shall refer copies of the application therefor to such other departments as the city manager may from time to time direct. Such referral shall be for the purpose of receiving reports, recommendations or protests from such other departments concerning such applications. The failure of any such department to respond or report within ten days shall be deemed to indicate no protest against the application by the department to which such referral has been made. Except as to directions issued by the city manager, any such report, recommendation or protest shall be advisory only, insofar as the final action on the application by the zoning administrator is concerned.

(e) *Revocation of permits.* The zoning administrator shall have the power and authority to revoke any permit issued pursuant to this section at any time that he shall find that: relationship of the tract office to streets giving access thereto. The zoning administrator further may require the submission of such other information as is deemed necessary to process the application.

(b) *Permit period limited.* The initial permit for a temporary tract office shall be issued to be effective for a period of two years or such lesser period as the zoning administrator deems necessary to serve the applicant's purpose. Such permit is subject to renewal for additional one-year periods.

(c) *Approval of permit.* In approving a permit application, the zoning administrator shall have the authority and duty to impose such reasonable conditions and restrictions as are, in his discretion, necessary or advisable in order to protect the peace, health, safety and general welfare of persons or property in the vicinity, or of the general public; provided however, that the zoning administrator may deny an application for a permit in any case where he finds that the issuance thereof, even with conditions and restrictions, would be unduly detrimental to the peace, health or welfare of other persons or properties, private or public, in the vicinity, or to the public interest.

(d) *Reports from other departments.* Before approving any such permit application, the zoning administrator shall refer copies of the application therefor to such other departments as the city manager may from time to time direct. Such referral shall be for the purpose of receiving reports, recommendations or protests from such other departments concerning such applications. The failure of any such department to respond or report within ten days shall be deemed to indicate no protest against the application by the department to which such referral has been made. Except as to directions issued by the city manager, any such report, recommendation or protest shall be advisory only, insofar as the final action on the application by the zoning administrator is concerned.

(e) *Revocation of permits.* The zoning administrator shall have the power and authority to revoke any permit issued pursuant to this section at any time that he shall find that:

- (1) The necessity for such permit has terminated;
- (2) The conditions imposed in connection with such permit have been violated or not adhered to;
- (3) There exists any state of facts which would have been good reason to deny issuance of the permit when applied for regardless of when such state of facts arose;
- (4) The protection of the health or safety of any person to peaceable and unmolested enjoyment of his property requires such revocation; or
- (5) The tract office has been used to service a substantially larger area than that encompassed within the plot plan pursuant to which the permit was issued.

(f) *Effective date of permit.* Any such permit issued by the zoning administrator shall not be effective for ten days following its issuance.

(g) *Discontinuance of office.* Upon the expiration of any permit for a temporary tract office, unless a renewal of such permit be obtained, the tract office activity shall be terminated, and any structure used in connection therewith shall forthwith be either removed from the premises or modified to make such structure usable for another use which may be permitted under this chapter. (Sec. 8-22123, Ord. 87; Sec. 11, Ord. 382; Sec. 2, Ord. 532; Ord. No. 832, § 29, 4-20-71;

Ord. No. 1099, § 18, 5-25-76; Ord. No. 1209, § 3, 11-1-77.)

Sec. 8-22124. Temporary office trailers.

An establishing or expanding business in an industrial or commercial district may obtain a use permit for a temporary office trailer, subject to the following requirements and standards:

(a) *Purpose.* The purpose of allowing office trailers for establishing or expanding firms is to create usable floor space which serves as a logical transition between the development of construction plans for permanent structures and the occupancy of those structures. These office trailers are not intended nor shall they be used in lieu of the eventual establishment of permanent structures.

(b) *Guarantees.* No conditional use permit shall be approved for a temporary office trailer until after issuance of building permits for permanent construction of the facility for which the temporary office trailer is substituted, or unless financial guarantees ensuring construction of the permanent facility, as determined to be appropriate by the zoning administrator are submitted prior to building permit issuance.

(c) *Application.* Such a conditional use permit shall be considered by the zoning administrator upon submittal of an application accompanied by a specific site plan of the subject property, including all existing and generally proposed structures and land uses, a statement indicating the nature of the trailer use and what estimated length of time will transpire before a permanent structure replaces the trailer, and whatever additional information is deemed necessary by the zoning administrator.

(d) *Permit period limited.* The use permit shall be valid for one year from the date of approval, with the possibility of renewal for an additional year, upon approval of the zoning administrator. No renewals are possible after the two-year period, although such expiration does not preclude filing of a new use permit. (Ord. No. 954, § 3, 8-14-73; Ord. No. 1099, § 19, 5-25-76.)

Sec. 8-22125. Parking of trailers and mobilehomes at construction sites.

A general contractor may obtain a temporary permit for the parking of one or more trailers or mobilehomes, to provide for the temporary occupancy of watchmen, supervisory or other special personnel, at or immediately adjoining a major construction or demolition site, subject to the following requirements, restrictions, limitations and standards:

(a) *Application for permit.* Any such permit shall be issued only by the chief building official of the city, after application in writing is submitted by the general contractor specifying (1) the number of trailers and mobilehomes and names of all personnel to occupy the same, (2) the title, position or capacity such personnel and the reasons why their presence is necessary at the site at times other than normal work hours, (3) descriptions of the trailers and mobilehomes in such detail as the chief building official may require, (4) the time period for which such permit is sought, (5) the sanitary, rubbish disposal, water and electrical supply facilities available to service the trailers and mobilehomes, and (6) such other information (including a detailed site plan) as may be required by the chief building official in order to process any such application.

(b) *Personnel for whom permits may be issued.* Any such permit shall be issued only for watchmen, supervisory personnel and other special personnel, any of whose presence or availability is shown, to the satisfaction of

the chief building official, to be reasonably necessary and essential on a twenty-four (24) hour basis at or near the construction or demolition site.

- (c) *Limitation on number of vehicles.* The chief building official shall have the power, authority and duty, in his sound discretion, to limit the number of trailers and mobilehomes permitted to the minimum, satisfactorily shown to be necessary and essential as stated in (b) above in view of the circumstances and exigencies of each individual situation, taking into consideration the size of the project, level of activity, time required for project completion, and any other pertinent factors.
- (d) *Permit period limited.* No such permit shall be issued for a period longer than six (6) months, but shall specify a time period as short as practicable in the discretion of the chief building official. He shall be authorized to grant any such permit for the entire period requested, (but not exceeding six (6) months), or for a lesser period as may, under the circumstances be reasonable, even though such action might necessitate later application for renewal of the permit.
- (e) *Permissible location limited.* Such permits shall normally be issued only for a location upon land in the same ownership as is the construction site, provided that a permit may be issued for a location on land immediately abutting the construction site where such is the only possible or feasible location, and written permission of such abutting owner has been filed with the permit application.
- (f) *Vehicle standards.* No such permit shall be issued to allow the parking of any trailer or mobilehome which does not have approved built-in sanitary plumbing facilities, or which is substandard in any other respect so that it would, at the proposed location, in the opinion of the chief building official, constitute a probable nuisance or hazard or detriment to the safety or health of the neighborhood or of persons in the vicinity, or to rights of nearby residents to peaceable enjoyment of their properties.
- (g) *Parking site standards.* No such permit shall be issued to park any trailer or mobile home at a location which does not provide for disposal of sewage, human excrement or other liquid wastes, directly into the public sewer system; provided however, that a private sewage disposal system or other system for sanitary waste disposal may be provided and maintained, if such system is approved in advance by the chief building official, as not tending to create any health hazard.
- (h) *General location restrictions.* The chief building official shall deny permission to park any trailer or mobilehome pursuant to this section, at any location where, in his judgment, there would be any undue hazard to the safety or health of the inhabitants of such trailer or mobilehome, or where the parking and maintenance of such trailer or mobilehome would for any reason constitute a hazard or detriment to the peace, health, safety or welfare of other persons in the vicinity or of the general public.
- (i) *Referral of application for permits to other departments.* Before issuing any such permit, the chief building official shall refer copies of the application therefor to the city manager and to such other city departments and public agencies as the city manager may from time to time direct. Such referral shall be for the purpose of receiving reports, recommendations or protests from such other departments or agencies concerning such

applications. The failure of any such department or agency to respond or report within one week, shall be deemed to indicate no protest against the application by the department or agency to which such referral has been made. Except as to directions issued by the city manager, any such report recommendation or protest shall be advisory only, insofar as is concerned the final action on the application by the chief building official.

- (j) *Permit conditions and restrictions.* In addition to the powers and authority hereinabove vested in the chief building official, he shall have the authority and duty, in connection with the issuance of any such permit to impose such reasonable conditions and restrictions as are, in his discretion, necessary or advisable in order to protect the peace, health, safety and general welfare of any person or persons, or of the general public.
- (k) *Occupancy of vehicles restricted.* Where any permit is issued pursuant to this section, no trailer or mobilehome shall be occupied, except by the person or persons on whose behalf the permit was issued, together with his or their immediate family or families, and no other person shall inhabit, or be allowed by the permittee to inhabit any such trailer or mobilehome.
- (l) *Vehicle parking prohibited except by permit.* Where parking of trailers or mobilehomes is prohibited by any provision of this Code, no person shall park or maintain any house trailer or mobilehome, and no person shall suffer the parking or maintenance of any house trailer or mobilehome on premises owned, occupied or controlled by him, at or near a construction or demolition site without having obtained and without there then being in full force and effect, a valid, current and unrevoked permit as provided in this section.
- (m) *Revocation of permits.* The chief building official shall have the power and authority to revoke any permit issued pursuant to this section any time that he shall find that: (1) The necessity for such permit has terminated, (2) the conditions imposed in connection with such permit have been violated or not adhered to, (3) there exists any state of facts which would have been good reason to deny issuance of the permit applied for, regardless of when such state of facts arose, or (4) the protection of the health or safety of any person or the general public, or the protection of the rights of any person to peaceable and unmolested enjoyment of his property requires such revocation.
- (n) *Parking by individual homeowner not allowed.* Nothing in this section shall be construed to allow the parking of a trailer or mobile home on residential property during construction, alteration or repair of a dwelling for purposes of providing an alternate place of abode during such period as the permanent dwelling is uninhabitable. (Sec. 1, Ord. 190; Ord. No. 832, § 30, 4-20-71; Ord. No. 871, § 19, 10-26-71.)

Sec. 8-22126. Refuse and waste collection areas.

Refuse and waste collection areas appropriate to serve all uses are required; and such areas shall be screened from adjacent properties and the public way by an approved screen constructed of material similar to the principal structure on the property or by mature landscape material. Adequate provision shall be made for access to the refuse and waste collection area by disposal agency equipment. Site plan and

architectural approval is required. This section shall not apply to one and two family dwellings. No person shall use any area for refuse and waste collection purposes unless such area complies with the provisions of this section. (Sec. 1, Ord. 685.)

Sec. 8-22127. Vehicle and equipment repairs or fabrication on residential premises.

Repair, fabrication or other work on automobiles, other vehicles or equipment on residential premises shall be subject to the following conditions and restrictions:

(a) Such work shall be limited to those vehicles or equipment which may be stored within a "private garage" upon residential premises.

(b) Such work shall be done only upon such vehicles or equipment which are owned by an occupant of the residential premises.

(c) Such work shall be done only between the hours of 8:00 a.m. and 10:00 p.m.

(d) Such work shall not be done in a public right-of-way.

(e) Storage of parts for such vehicles or equipment on the premises shall be limited to those parts reasonably necessary for repair of the occupant's vehicle or equipment. Parts which cannot be conveniently located within an enclosed structure shall be screened from view from the public way and adjacent property, and may not occupy any required open space prescribed elsewhere in this chapter.

(f) Notwithstanding anything to the contrary herein, no such work shall be permitted which creates a "nuisance" as defined in Section 3-8400 of this Code, or which otherwise tends to deteriorate the environment, peace, tranquility and enjoyment of the residents in the surrounding neighborhood.

(g) Flammable liquids shall not be used in any building or residential premises in connection with such work; and no welding or torch cutting may be done anywhere on such premises except by permit obtained from the city fire marshal. All such work will be conducted in conformance with the applicable provisions of the fire prevention code, Chapter 1, Title III of this Code. (Ord. No. 807, Sec. 2, 11-24-70.)

- § 8-22200. Purpose.
- § 8-22201. Reserved.
- § 8-22202. Height limits.
- § 8-22203. Front yard exceptions and modifications.
- § 8-22204. Accessory structures, general.
- § 8-22204.1. Accessory structures and side and rear yard exceptions and modifications.
- § 8-22204.2. Side yard exceptions and modifications.
- § 8-22204.3. Rear yard exceptions and modifications.
- § 8-22206. Projections into required yards.
- § 8-22206. Fences and hedges—General height limitations.
- § 8-22206.1. Same—Special height limitations.
- § 8-22206.2. Same—Other general provisions.
- § 8-22206.3. Special provisions; fences on lots used for commercial, industrial or institutional purposes.
- § 8-22207. Service facilities permitted in any district.
- § 8-22208. Repairs and maintenance of buildings.
- § 8-22209. Seasonal outdoor sales of Christmas trees.
- § 8-22210. Temporary and seasonal uses.
- § 8-22211. Rental or parking space in private garages.

Sec. 8-22200. Purpose.

The requirements and regulations specified hereinbefore in this chapter shall be subject to the exceptions, modifications, and interpretations set forth in this article. (Sec. 8-22200, Ord. 87.)

Sec. 8-22201. Reserved.

Editor's note—Section 3 of Ord. No. 1069, adopted Oct. 28, 1975, repealed § 8-22201, pertaining to lot size exceptions, derived from Ord. No. 87, § 8-22201.

Sec. 8-22202. Height limits.

Height limitations set forth elsewhere in this chapter shall not apply to:

(a) Barns, silos, or other farm buildings or structures on farms, provided, these are not less than fifty feet from every lot line; church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, distribution and transmission lines, towers and poles, windmills, chimneys, smokestacks, flagpoles, radio towers, masts, and aerials; parapet walls extending not more than four feet above the limiting height of the buildings; outdoor theatre screens, provided, such screens contain no advertising matter other than name of the theatre.

(b) Places of public assembly in churches, schools, and other permitted public and semipublic buildings, provided, that these are located on the first floor of such buildings, and provided further, that for each one foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

(c) Bulkheads, elevators, penthouses, water tanks monitors, and scenery lofts, provided, no linear dimensions of any such structure exceeds fifty per cent of the corresponding street lot line frontage; or towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders, or other structures, where the manufacturing process requires a greater height, provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five per cent of the area of the lot and shall be district not less than twenty-five feet in all parts from every lot line not a street lot line. (Sec. 8-22202, Ord. 87.)

Sec. 8-22203. Front yard exceptions and modifications.

The following exceptions and modifications shall apply to the front yard requirements provided herein:

(a) In any R District, where the average depth of at least two existing front yards on lots within one hundred feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this chapter, the required depth of the front yard on such lot shall be modified. In such case, the front yard shall not be less than the average depth of the existing front yards, or the average depth of existing front yards on the two lots immediately adjoining, or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten feet and need not exceed fifty feet.

(b) In any R District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along such line, of such a degree or per cent of slope that it is not practicable to provide a driveway with a grade of twelve per cent or less to a private garage conforming to the requirements of this chapter, such garage may be located within such front yard, but not in any case closer than six feet to the street line.

(c) Where the building setback lines shown on a final recorded subdivision map approved after May 8, 1957, provide for a different front yard than required in this chapter then the front yard shall be as shown by the setback lines on the map. (Sec. 8-22203, Ord. 87; Sec. 3, Ord. 499; Sec. 1, Ord. 523; Ord. No. 758, § 24, 12-16-69; Ord. No. 1089, § 2, 1-27-76; Ord. No. 1110, § 2, 8-3-76.)

Sec. 8-22204. Accessory structures, general.

Accessory structures shall meet the following requirements:

(a) *Attached or detached construction.* An accessory structure may be erected detached from the main building or, except when a stable, may be erected as an integral part of the main building, or it may be connected therewith by a breezeway or similar structure.

(b) *Attached to main building.* An accessory structure (not including a patio structure) attached to the main building shall be made structurally apart and have a common wall with the main building and shall comply in all respects with the requirements of this chapter applicable to the main building.

(c) *Corner lots.* No accessory structure within twenty-five feet of the common property line on a reverse corner lot shall be placed any closer to the side street property line than the required front yard of the adjoining lot, and no case shall any part of such accessory structure be nearer to the side street lot line than the least width of the side yard required for the main building to which it is accessory.

(d) *Dwelling use restricted.* Except for guest houses, accessory structures shall not be used for dwelling purposes.

(e) *Guest houses.* Guest house accessory structures shall be located on the rear half of the building site and on corner lots shall be no closer to the public street than the principal dwelling structures. No kitchen or cooking facilities shall be permitted in any guest house.

(f) *Lot coverage.* Accessory structures, shall not exceed thirty per cent of the area of the minimum required rear yard. (Sec. 8-22204, Ord. 87; Sec. 1, Ord. 318; Sec. 1, Ord. 394; Sec. 2, Ord. 573; Ord. No. 1071, § 7, 11-4-75.)

Sec. 8-22204.1. Accessory structures and side and rear yard exceptions and modifications.

The following exceptions and modifications shall apply to the side and rear yard requirements provided herein:

(a) Yard requirements. Unless an accessory structure is attached to the main structure, it shall be located at least six feet from any structure on the same lot. A detached accessory structure, except for accessory storage structures of one hundred square feet or less as specified in section 8-22204.1(g), shall be located no closer than three feet of any interior lot line.

(b) Patios and decks not more than thirty-six inches above grade may be located in side and rear yards to within three feet of any interior lot line.

(c) Patio structures may encroach into required rear yards to within ten feet of the rear lot line.

(d) Additions to nonconventional principal residential structures may not encroach into required rear or side yards or patio areas.

(e) Patio structures for nonconventional principal residential structures may encroach to within three feet from any lot line, provided that there remains an open space equal to seventy per cent of the otherwise required yard area into which such encroachment is made.

(f) Lath-covered structures for nonconventional principal residential structure may encroach to within three feet from the property line, provided that the lath cover is uniformly open.

(g) Exception. A detached accessory structure located closer than three feet of any interior side or rear property line in a residential district shall be subject to the following conditions:

- (1) It shall be located at least six feet from any structure on the same lot.
- (2) It shall not exceed a maximum overall height of six feet six inches.
- (3) It shall be limited to a maximum gross floor area of one hundred square feet.
- (4) Fire-resistive materials shall be installed and necessary permits obtained in accord with the city's adopted Uniform Building Code. (Ord. No. 1071, § 8, 11-4-75; Ord. No. 1107, § 3, 7-27-76; Ord. No. 1241, §§ 2, 3, 3-21-78.)

Sec. 8-22204.2. Side yard exceptions and modifications.

The following exceptions and modifications shall apply to the side yard requirements provided herein:

(a) The width of one side yard may be reduced to a width not less than three feet; provided the sum of the widths of the two side yards is not less than the minimum required by the district regulations; and further provided, that the distance between the proposed dwelling and another dwelling, existing or proposed, on the adjacent lot is not less than the required minimum sum of the widths of two side yards. Such reduction may be authorized by the building inspector only on irregular shaped lots when he determines such reduction to be warranted by the location of existing buildings or conducive to the desirable development of two or more lots.

(b) A side yard along the side street lot line of a corner lot, shall have a width of not less than one-half the required depth

of the front yard, except that in the A, A-F, I-R, G-I and I-P Districts the side street side yard shall be the same as the minimum required interior side yard.

(c) Where the building setback lines shown on a final recorded subdivision map, approved after May 8, 1957, provide for a different side yard on a corner lot, than required in this chapter, then the side yard shall be as shown by setback lines on the map.

(d) Second story building additions to single-family or two-family principal structures in residential districts may encroach into otherwise required side yards to within the same distances to the side lot lines as originally required for the one-story structure.

(e) Interior lots. After initial construction garages and carports attached to a main structure may encroach into a required interior side yard to within five feet of the side lot line. (Ord. No. 1071, § 8, 11-4-75; Ord. No. 1241, § 4, 3-21-78.)

Sec. 8-22204.3. Rear yard exceptions and modifications.

The following exceptions and modifications shall apply to the rear yard requirements provided herein:

(a) At the time of initial construction, single-family and two-family principal structures in residential districts may encroach into otherwise required rear yards to within ten feet of the rear lot line; provided that there remains an open space area equal to one hundred and twenty per cent of the area obtained by multiplying the otherwise required rear yard dimension by the lot width.

(b) Additions to single-family and two-family principal structures in residential districts may encroach into otherwise required rear yards to within ten feet of the rear lot line, provided, that there remains an open space area in the required rear yard equal to seventy per cent of the required rear yard area obtained by multiplying the otherwise required rear yard depth by the lot width.

(c) In no instance shall the combined square footage of both accessory structures and building additions exceed thirty per cent of the required rear yard.

(d) No addition projecting into the required rear yard shall exceed one story in height.

(e) Corner and reverse corner lots. After initial construction, garages or carports attached to a main structure may encroach into a required rear yard to within five feet of a rear property line provided that the addition and any other structure does not occupy more than thirty-five per cent of the required rear yard and provided further that all applicable building and fire codes are complied with. (Ord. No. 1071, § 8, 11-4-75; Ord. No. 1107, § 4, 7-27-76.)

Sec. 8-22205. Projections into required yards.

Certain architectural features may project into required yards or courts, as follows:

(a) Into any required front yard, or required side yard, adjoining a side street lot line:

- (1) Cornices, canopies, eaves, or other similar architectural features, may project a distance not exceeding two feet, six inches.
- (2) Porches, stairways, and landings, when they serve as a required means of egress from any structure may

project a distance not to exceed four feet, six inches.

- (3) An uncovered stair and necessary landings may project a distance not to exceed six feet, provided, such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three feet, six inches in height.
- (4) Bay windows, balconies, and chimneys may project a distance not exceeding three feet, provided, that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

(b) Subject to the limitations in the preceding subsection, the above-named features may project into any side yard adjoining an interior side yard, a distance not to exceed one-fifth of the required least width of such side yard, but not exceeding three feet, except those features serving as a required means of egress may project as permitted in subsection (a) of this section.

(c) Subject to the limitations in subsection (a) of this section, the features named therein may project into any required rear yards, or into any required outer or inner court, the same distances they are permitted to project into a front yard. (Sec. 8-22205, Ord. 87; Sec. 2, Ord. 242; Ord. No. 1071, § 9, 11-4-75.)

Sec. 8-22206. Fences and hedges—General height limitations.

(a) Except as provided in sections 8-22206.1 and 8-22206.3, no fence shall be erected, altered, or placed, and no hedge shall be allowed to grow so as to exceed a height of eight feet in the required rear yard or required side yard of a lot.

(b) Except as provided in sections 8-22206.1, 8-22206.3 and 8-2806(d),* no fence shall be erected, altered or placed, and no hedge shall be allowed to grow so as to exceed the height of forty-eight inches in the required front yard of a lot. (Sec. 8-22206, Ord. 87; Ord. No. 1040, § 3, 4-22-75.)

Sec. 8-22206.1. Same—Special height limitations.

Notwithstanding the general height limitations on fences and hedges imposed by section 8-22206, the following more restrictive height limitations imposed by this section shall be applicable to the special circumstances described herein:

(a) *Corner lots:* On corner lots (including reversed corner lots), no fence or hedge exceeding forty-eight inches in height shall be erected, altered, placed or allowed to grow within five feet of the side street lot line.

(b) *Reserved.*

(c) *Further limitation, corner lots:* On corner lots, within the triangular area bounded by the street lot lines and a line connecting such street lot lines twenty feet from their intersection, no fence, hedge or other obstruction shall be erected, altered, placed or allowed to grow so as to exceed a height of thirty inches above the elevation of the top of the curb.

(d) *Multiple dwellings:* Private open space enclosures for multiple dwellings in yard areas adjacent to streets shall not be erected, altered or placed so as to exceed a height of six feet, except that any fence erected within five feet of a street property line shall not exceed four feet.

(e) *Retaining walls:* Where the height of a retaining wall within a required yard prohibits the erection of a fence at least four feet in height, an open fence not greater than four

feet in height may be erected in such yard. (Ord. No. 1040, § 4, 4-22-75; Ord. No. 1240, §§ 2, 3, 3-21-78.)

Sec. 8-22206.2. Same—Other general provisions.

(a) *Fences with finished appearances.* A fence adjacent to a public right-of-way which is designed with a finished appearance on one side shall be oriented so that the finished side faces such right-of-way.

(b) *Reserved.*

(c) *Barbed wire; pointed and electrically charged materials.* No barbed wire, other sharp pointed material, or electrically charged material shall be used in the construction of a fence unless said material is at least eight feet above the ground level except where used to contain livestock. (Ord. No. 1040, § 4, 4-22-75; Ord. No. 1240, §§ 4, 5, 3-21-78.)

Sec. 8-22206.3. Special provisions; fences on lots used for commercial, industrial, or institutional purposes.

Notwithstanding the general height limitations of sections 8-22206 and 8-22206.1, the following less restrictive height and locational limitations shall be applicable for fences used for the purposes described herein:

(a) *Fences, commercial and industrial lots:* Open fences not in excess of ten feet in height may be erected on lots principally used for commercial or industrial purposes in any required rear or side yard, except where such yard abuts upon a street.

(b) *Fences, agricultural lots:* On lots principally used for agricultural purposes, open fences in excess of four feet in height and less than six feet in height may be erected in any required yard where necessary for confinement of livestock or for security reasons.

(c) *Open fences; athletic and institutional facilities:* Open fences which enclose schoolgrounds, playgrounds, tennis courts, swimming pools, or other areas which are used for athletic purposes may exceed the height and location limitations of this chapter with the approval of the community development director. (Ord. No. 1040, § 4, 4-22-75.)

Sec. 8-22207. Service facilities permitted in any district.

The erection, construction, alteration or maintenance of service facilities by an operator shall be allowed in any district, subject to the following definitions, requirements, restrictions, limitations and standards:

(a) *Definition of service facilities.* "Service facilities" as used herein shall mean underground or overhead electrical, gas, petroleum products, steam, or water transmission systems; collection, communications supply, or disposal transmission systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants; and other similar equipment and accessories in connection therewith.

(b) *Definition of operator.* "Operator" as used herein shall mean any public utility, corporation or other private business entity, municipal corporation or other governmental agency.

(c) *Location of service facilities in public streets.* Except as provided in subsection (e), the erection, construction, alteration or maintenance of service facilities by an operator

in, upon, under or over public streets shall be a principal permitted use in any district.

(d) *Location of service facilities not within public streets.* Any proposal by an operator to place any service facilities in locations which are not within public streets, shall be allowed only if a conditional use permit has been obtained. The commission may grant a conditional use permit for the use of land for such service facilities pursuant to the provisions of this chapter, giving particular consideration to the effect of the location and manner of operation of the service facilities upon future development of the city's public street system and privately owned lands within the undeveloped and growing areas in which such service facilities will be located.

(e) *Electric transmission lines.* Notwithstanding subsection (c), any proposal by an operator to erect, construct and place service facilities consisting of overhead wires and supporting structures of electric transmission lines rated at 50,000 volt capacity or more, designed to carry a load of at least 20,000 Kilovolt amperes, shall be allowed only if a conditional use permit has been obtained. The commission may grant a conditional use permit for any such overhead transmission line pursuant to provisions of this chapter (including but not limited to subsection (d) hereof if the proposed overhead transmission line is not to be located entirely within public streets), giving particular consideration to the effect of the location of such overhead transmission line upon the land uses of adjacent properties as indicated by the general plan, zoning map, existing land uses thereon, and other evidence relating to land use made available to the commission within the scope of the general purposes of this chapter, and in connection therewith the applicant or operator shall provide, in the application and as may be further required by the commission, such information relating to the engineering, economic and other technical factors of the proposal which is relevant to the final determination of the commission. Any such proposal of an operator may contain in the same application for a conditional use permit, alternative routes for the location of such overhead transmission line. If the commission is unable to approve or conditionally approve of any such proposal for an overhead electric transmission line, including any said alternative thereof, pursuant to the provisions of this subsection, the commission shall deny the application for the conditional use permit and, upon such a decision becoming final, the operator may proceed to construct, place and maintain such transmission line underground pursuant to Chapter 3, Title VI of this Code and any other applicable laws and regulations.

(f) *Certain service facilities excepted.* This section shall not apply to the following:

- (1) Existing service facilities located within the City of Fremont;
- (2) Service facilities which are constructed, installed, altered or maintained in connection with any subdivision approved pursuant to Chapter 1, Title VIII of this Code;
- (3) Service facilities providing a direct connection from distribution service facilities immediately adjacent to a single parcel or unified residential, or private commercial development, not involving a subdivision, which is to be served by such connection; provided, that in addition to such exception, a conditional use permit shall not be required pursuant to subsection (d) if a proposal involves the extension of service facilities to serve a parcel or lot not more than three hundred feet

from distribution service facilities where such service facilities are to be placed entirely underground in utility easements located within intervening parcels or lots and easements do not create a subdivision and do not substantially divest the property owners subject to such easements from the right and ability to develop their property pursuant to this chapter;

(4) Service facilities located entirely within G-I, I-R or I-P industrial districts; and

(5) Service facilities for the production, generation, storage or transmission of water, which are constructed by the Alameda County Water District.

(g) *Compliance with other laws not excused.* No provisions of this section shall be deemed to relieve any person from compliance with other applicable provisions of law such as (but not limited to) sections 65402 and 65552 of the Government Code, Chapter 1 (relating to encroachments within public streets and rights-of-way), and Chapter 3 (relating to undergrounding of service or utility facilities), Title VI of this Code. (Sec. 8-22207, Ord. 87; Sec. 1, Ord. 496; Sec. 8, Ord. 631.)

Sec. 8-22208. Repairs and maintenance of buildings.

Notwithstanding any other provisions of this chapter, repairs and maintenance operations necessary to maintain a building or structure in a safe and sanitary condition shall be permitted without the site plan and architectural approval prescribed by Article 27 of this chapter, without the historical architectural review prescribed by Article 18.4 of this chapter, and irrespective of whether or not such building or structure is located upon a "lot" as defined in section 8-2143 hereinbefore; provided however, that this section shall not be deemed to affect, in any respect, the provisions of section 22304(c) hereinafter concerning repairs to nonconforming uses. (Sec. 1, Ord. 180; Ord. No. 943, 4-17-73; Ord. No. 1211, § 6, 11-8-77.)

Sec. 8-22209. Seasonal outdoor sales of Christmas trees.

(a) Notwithstanding any other provisions of this chapter, and subject to fire prevention and/or other applicable regulations and laws, outdoor retail sales of Christmas trees (but not including any other merchandise), and the preparation of a site in any manner of such sales may be permitted on a seasonal basis, beginning November 1 and extending through December, in any zoning district if a permit has been obtained. The site shall be returned to its original condition by January 5.

(b) Permits for such activities shall be obtained from the chief building official. The chief building official shall refuse issuance of any such permit where he finds, as a result of investigation, that the proposed activity will, at the particular location involved, constitute an undue detriment to the public interest or to neighboring or surrounding properties or will unreasonably interfere with existing neighborhood or surrounding uses. In making determinations on applications for permits in the residential zones, the chief building official shall issue no permit unless the proposed site meets each of the following criteria:

- (1) The site has direct access onto a thoroughfare.
- (2) The site is at least one hundred feet from any single-family dwelling in an R zone.

- (3) The site can be used without causing dangerous congestion in the streets.

The chief building official further shall have the authority and duty to impose conditions on the issuance of any such permit, which he deems necessary in his discretion to protect the public interest or the rights of neighboring or surrounding users to be free of objectionable interferences or undue detriment to existing uses.

(c) No permit for the seasonal outdoor sale of Christmas trees shall be issued unless and until the applicant therefor has signed an agreement that the site will be restored to its original condition by January 5 of the following year. (Sec. 1, Ord. 216; Sec. 2, Ord. 562; Sec. 1, Ord. 576; Ord. No. 832, § 31, 4-20-71; Ord. No. 903, § 1, 5-23-72.)

Sec. 8-22210. Temporary and seasonal uses.

(a) Temporary or seasonal uses, not otherwise mentioned in this chapter, may be allowed in trailers or mobile homes or temporary or existing structures in any zoning district, provided a permit therefor has been obtained pursuant to this section. Such uses may include temporary political or campaign headquarters, and nonprofit, charitable or philanthropic drive activities, but shall not include the sale of agricultural products not grown on the premises. No permit shall be issued for a period to exceed sixty days.

(b) Circuses, carnivals, and fireworks stands (notwithstanding any zoning district regulations otherwise requiring uses to be conducted wholly within a completely enclosed building) may be permitted in any zoning district provided a permit therefor has been obtained pursuant to this section. Such uses shall have direct access from a secondary or major thoroughfare and shall not be located within two hundred feet from any residential development. No permit shall be issued for a period to exceed sixty days.

(c) Arts and crafts fairs may be permitted in trailers, temporary or existing structures or in the open (notwithstanding any zoning district regulation otherwise requiring uses to be conducted wholly within a completely enclosed building) on any lot developed for commercial or quasi-public uses, provided a permit therefor has been obtained pursuant to this section. No permits for such a use shall be issued for a period to exceed five consecutive days and shall be limited to two events per calendar year on any lot.

(d) Temporary outdoor promotional retail sales, notwithstanding any other provisions of this chapter, may be permitted on existing and developed commercial lots, provided such uses are appurtenant to the existing commercial development and provided further that a permit has been obtained pursuant to this section. No permit shall be issued for a period to exceed three consecutive days and shall be limited to six events per calendar year on any lot.

(e) Quasi-public uses such as recycling centers and used merchandise collection trailers may be permitted in the open (notwithstanding any district regulation otherwise requiring uses to be conducted wholly within a completely enclosed building) on any existing and developed commercial or industrial lots provided a permit has been obtained pursuant to this

section. The permittee or his representative shall be present during the approved hours of operation and no such permit shall be issued for a period to exceed one year.

(f) Application for permits for any activities of this section shall be made to the zoning administrator. The zoning administrator shall have authority to approve such permits, but he shall deny any such application where he finds, as a result of investigation, that the proposed activity will, at the particular location involved, constitute an undue detriment to the public interest or to neighboring or surrounding properties or will unreasonably interfere with existing neighborhood or surrounding uses. The zoning administrator further shall have the authority and duty to impose conditions on the issuance of any such permit which he deems necessary in his discretion to protect the public interest or the rights of neighboring or surrounding uses to be free of objectionable interferences or undue detriment to existing uses. Applications for such permits shall be submitted at least forty-eight hours prior to the commencement of any activity and shall be accompanied with a written consent by the owner(s) of the lot upon which such activity is to be conducted. Permit approval shall require that normal pedestrian traffic shall not be interrupted by, and abnormal vehicular traffic congestion shall not result from, the approved activity. (Sec. 2, Ord. 547; Sec. 2, Ord. 629; Ord. No. 791, § 1, 9-1-70; Ord. No. 800, § 1, 10-13-70; Ord. No. 832, § 32, 4-20-71; Ord. No. 871, § 20, 10-26-71; Ord. No. 1070, § 3, 11-4-75; Ord. No. 1099, § 20, 5-25-76.)

Sec. 8-22211. Rental of parking space in private garages.

Parking space within a private garage may be rented for the storage of private passenger vehicles of persons not resident upon the premises, provided that the minimum number of off-street spaces required pursuant to Article 20 of this chapter is retained for use by occupants of the premises; and provided, further, that during any time that persons resident upon the premises do not own or otherwise have a passenger vehicle available for their regular use, off-street parking space required for such occupancy may be rented. (Sec. 5, Ord. 627.)

- § 8-22300. Purpose.
- § 8-22301. Nonconformity.
- § 8-22302. Nonconforming uses of land.
- § 8-22303. Nonconforming uses of structures or buildings.
- § 8-22304. Nonconforming structures or buildings.
- § 8-22305. Nonconforming lots.
- § 8-22306. Nonconforming signs; conformity or discontinuance.
- § 8-22307. Special residential care facilities exceeding allowed number.
- § 8-22308. Uses which do not conform to screening, fencing or landscaping requirements.
- § 8-22309. Conditional uses.
- § 8-22310. Construction or use permit approved prior to chapter amendments.

Sec. 8-22300. Purpose.

Existing uses which do not conform to the regulations of the district wherein located shall be subject to these specific regulations in addition to general regulations contained herein, in order to permit the continued operation of such uses while providing for the gradual elimination of such uses in compliance with the general plan and the overall goal of the city for community development. (Ord. No. 1069, § 4, 10-28-75.)

Sec. 8-22301. Nonconformity.

Nonconforming uses, buildings, structures, signs, and lots may be continued subject to the provisions of this article. (Ord. No. 1069, § 4, 10-28-75.)

Sec. 8-22302. Nonconforming uses of land.

(a) The nonconforming use of land existing on October 28, 1975, may be continued for a period of twenty years from said date. A use of land which becomes nonconforming due to change of zoning district, amendment of ordinance, or annexation, may be continued for a period of twenty years from the date the use becomes nonconforming. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied when it became nonconforming.

(b) Where a nonconforming use of land on a lot has ceased for ninety days or more, such lot shall not again be put to a nonconforming use. A nonconforming use of land as used in this section shall include use of either unimproved land or land containing minor structures such as fences, signs, and buildings less than four hundred square feet in area. (Ord. No. 1069, § 4, 10-28-75.)

Sec. 8-22303. Nonconforming uses of structures or buildings.

(a) A nonconforming use of a structure or building may be maintained indefinitely, except as otherwise provided herein.

(b) A nonconforming use of a structure or building may be changed to a similar use or a use of lesser intensity upon approval of a conditional use permit by the planning commission. As used in this section, a use of lesser intensity shall mean a use which is found by the commission to require less employees or less public contact, less storage capacity or less service or demands on public facilities or energy, and is more compatible with adjacent and future planned uses.

(c) A nonconforming use of a structure or building shall not be expanded.

(d) The nonconforming use of a structure or building shall not continue if the use has ceased for twelve consecutive months or for eighteen months in any consecutive period of thirty-six months. When such a cessation of use has occurred, the premises or structure shall only be used for the purposes

allowed in the district in which it is located.

(e) Where a structure or building containing a nonconforming use is damaged or destroyed by any means and replacement in kind exceeds fifty per cent of the market value as determined by the county assessor on the last equalized assessment roll, it shall not resume its nonconforming use but may be restored and used in conformity with the provisions of the district in which it is located.

(f) Whenever a nonconforming use of a structure or building has been changed to a conforming use, such conforming use shall not thereafter be changed to a nonconforming use. (Ord. No. 1069, § 4, 10-28-75.)

Sec. 8-22304. Nonconforming structures or buildings.

(a) A nonconforming structure or building may be maintained indefinitely in its original condition except as otherwise provided in this article.

(b) A nonconforming building may not be enlarged or altered in any manner which increases the degree of nonconformity which exists as to the height or location on the lot on which it is located.

(c) Repairs of an ordinary nature may be made in any period of twelve consecutive months including repair or replacement of nonbearing walls, wiring and plumbing, the costs of which shall not exceed ten per cent of the market value of the building as determined by the county assessor on the last equalized assessment roll. Work which is required to strengthen, restore or modify the structure or building as determined and ordered by the chief building official or other city or state officer by reason of statute or ordinance shall not be included within the ten per cent limitation.

(d) If a nonconforming structure or building is damaged or partially destroyed by any means and the costs of reconstruction exceed fifty per cent of its market value as determined by the county assessor on the last equalized assessment roll at the time of its destruction or is damaged, it shall not be reconstructed except in conformity with the provisions of this chapter.

(e) If a nonconforming building is moved for any reason or for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located. (Ord. No. 1069, § 4, 10-28-75.)

Sec. 8-22305. Nonconforming lots.

(a) A nonconforming lot shall not be reduced in area or width.

(b) Any conforming use or conforming building or structure on a nonconforming lot or parcel may be enlarged, extended, reconstructed or relocated in compliance with other requirements of this chapter.

(c) A nonconforming lot to be used for residential purposes shall be subject to the density requirements of the zoning district in which it is located; provided, that a single-family dwelling and customary accessory buildings may be erected on a nonconforming lot located in any district in which a single-family dwelling is permitted if the yards on the lot meet the minimum requirements of an R-1-6 District and provided that the lot has an area of no less than four thousand square feet.

(d) Two or more contiguous nonconforming lots in a single

ownership shall be considered to be a single lot, and no portion of any such single lot shall be divided in any manner which would diminish the degree of compliance with the area, width, or yard requirements of the district in which the combined lot or component lots are located. (Ord. No. 1069, § 4, 10-28-75.)

Sec. 8-22306. Nonconforming signs; conformity or discontinuance.

(a) Discontinuance date. Except as otherwise provided in this section or by law, all nonconforming signs, including but not limited to, billboards or commercial advertising structures, lawfully existing as of January 1, 1958, may be continued in use, without expansion, alteration or other substantial change, until December 15, 1970, at which time such nonconforming signs shall immediately be removed, discontinued and abated, or changed so as to conform with the requirements of this chapter.

(b) Signs with valid sign permit. Except as otherwise provided in this section or by law, any sign for which a valid sign permit has been issued by the city after January 1, 1958, and which sign remains in conformance with the regulations applicable at the time of the issuance of such permit but which sign has become a nonconforming sign by virtue of an amendment to the sign regulations, or by other provision of this chapter, may except as provided in subsection (d) below, be continued in use, including ordinary maintenance and repair and the change of the sign copy of such sign provided that any such maintenance, repair, or change in sign copy does not result in any substantial change in the configuration of the sign cabinet, if any, or other structural components of the sign. No such sign shall be relocated unless brought into conformance with the provisions of this chapter, except that the development organization may permit relocation of such a sign to another nonconforming location where existing conditions of the site (a lot and/or buildings located thereon) upon which such sign is located prevent reasonable relocation to a conforming sign location.

(c) Signs for nonconforming uses. The provisions of this section shall not apply to signs and structures lawfully accessory to a principal nonconforming use which is allowed to continue pursuant to other provisions of this article, so long as such signs would conform to the regulations of the district in which they are located or would conform with the following requirements: Signs appurtenant to a legal nonconforming use shall not exceed twenty-four square feet in area. Such signs may be integral with the building or located in required front yard area, provided that the height of such signs located in required front yard areas shall not exceed six feet above finished grade.

(d) Zoning status change, parcel configuration revision or building alteration. Notwithstanding the provisions of subsection (a) and (b) above, any conforming sign which becomes nonconforming by virtue of a change in the zoning district regulations or of a rezoning of the lot upon which it is located, may be continued in use, without expansion, alteration, or other substantial change, for one year following the effective date of such change in zoning district regulations or rezoning, after which it shall be removed, discontinued and abated, or changed so as to conform with the requirements of this chapter. If the size of configuration of a lot or building is changed by the subdivision of the property or alterations to the building, signs on the resulting properties shall be required to conform to the sign regulations applicable to the newly created lot or lots, at the time such change becomes effective.

(e) Allowable sign area exceeded. In cases where the area

of signs existing as a valid nonconforming use on a property exceed the total allowable area for permitted signs, no additional signs shall be permitted on the property.

(f) Directional signs pertaining to historic resources. Existing directional signs pertaining to officially designated historic resources. Existing directional signs pertaining to officially designated historic resources shall be excluded from regulations as provided in subsection (a). New directional signs which are designed and located so as to be readable from state and federal highways and which pertain to officially designated historic resources shall be subject to all applicable state regulations. (Ord. No. 1069, § 4, 10-28-75.)

Sec. 8-22307. Special residential care facilities exceeding allowed number.

Family care homes, foster homes, and group homes serving more than six persons and lawfully existing as of the date of adoption of this section may be continued in use; provided that the number of persons served in any such facility shall not be increased. (Ord. No. 1069, § 4, 10-28-75.)

Sec. 8-22308. Uses which do not conform to screening, fencing or landscaping requirements.

(a) Any use which, at the time of its commencement, complied with the applicable requirements of this chapter as to screening, landscaping, and fencing, but does not conform to presently existing requirements of this chapter on such subjects, may be continued indefinitely, except as otherwise provided herein or in this chapter.

(b) Where there is a change of use from any use described in subsection (a), and the new use shall utilize existing buildings, structures, and off-street parking and loading areas, no additional screening, fencing, or landscaping shall be required as a condition of commencement of the new use.

(c) Where an addition, enlargement or expansion of one or more buildings or structures on a lot devoted to a use described in subsection (a) is proposed to an extent in excess of twenty-five percent of the floor area of the existing buildings or structures, the entire lot shall be brought into conformance with presently existing requirements of this chapter as to landscaping and screening of off-street parking areas.

(d) Notwithstanding any provision of this section to the contrary, when a conditional use permit is granted pursuant to section 8-22111(c) authorizing the supplying of goods and services at gasoline service stations or automobile service stations which are not accessory or incidental to the operation of automobiles, the lot on which such combination of uses is to occur shall conform to the current requirements of this chapter as to off-street parking and loading, screening, landscaping and fencing. (Ord. No. 1069, § 4, 10-28-75; Ord. No. 1324, § 10, 5-1-79.)

Sec. 8-22309. Conditional uses.

Any nonconforming use which is designated pursuant to this chapter as a conditional use in the district wherein located shall be and remain a nonconforming use until a conditional use permit shall have been obtained pursuant to this chapter. (Ord. No. 1069, § 4, 10-28-75.)

Sec. 8-22310. Construction or use permit approved prior to chapter amendments.

(a) Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use

of any development, building, structure, or part thereof, where official approvals and required building permits have been granted before the enactment of this chapter, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this chapter and completion thereof carried on in a normal manner within the subsequent six months period, and not discontinued until completion except for reasons beyond the builder's control.

(b) Notwithstanding the provisions of subsection (a) of this section, whenever a rezoning of land or other amendment to this chapter has the effect of eliminating a particular conditional use, or changing the conditions under which a particular conditional use may be allowed unless the ordinance enacting such rezoning or other amendment provides to the contrary, any conditional use permit granted pursuant to this chapter prior to such rezoning or other amendment, may be used and extensions of time for such use may be granted for such conditional use permit, to the same extent as if such rezoning or other amendment had not been adopted, subject to the limitation of section 8-22511 hereof; provided, however, that no such extension of time for a conditional use permit shall be granted following such rezoning or other amendment unless the applicant makes a showing satisfactory to the commission that there have been substantial expenditures made or substantial detriment suffered, in reliance upon the continued effectiveness of the conditional use permit for the allowable period as prescribed in section 8-22511. (Ord. No. 1069, § 4, 10-28-75; Ord. No. 1211, § 7, 11-8-77.)

- § 8-22400. Purpose.
- § 8-22401. Required when no building permit is required.
- § 8-22402. Zoning permit optional.
- § 8-22403. Application.
- § 8-22404. Repealed by Ordinance No. 832, enacted April 20, 1971.
- § 8-22405. Drawings and plot plans.
- § 8-22406. Issuance.
- § 8-22407. Expiration.

Sec. 8-22400. Purpose.

The purpose of the zoning permit is to determine compliance with the provisions of this chapter. (Sec. 8-22400, Ord. 87.)

Sec. 8-22401. Required when no building permit is required.

A zoning permit shall be required prior to the commencement of any commercial activity, the carrying out of which does not require any building permit in connection therewith. (Sec. 8-22401, Ord. 87.)

Sec. 8-22402. Zoning permit optional.

Any person may make application for a rezoning permit to insure that a proposed use of, or a particular structure on, a particular piece of land can comply with the provisions of this chapter. (Sec. 8-22402, Ord. 87.)

Sec. 8-22403. Application.

Application shall be made by the property owner or agent thereof, on a form prescribed by the city. (Sec. 8-22403, Ord. 87.)

Sec. 8-22404. Repealed by Ordinance No. 832, enacted April 20, 1971.

Sec. 8-22405. Drawings and plot plans.

The application shall be accompanied by a plot plan showing the lot lines and dimensions and locations of improvements with dimensions and any other drawings or data necessary to show that yard requirements and all other provisions of this chapter will be fulfilled. (Sec. 8-22405, Ord. 87.)

Sec. 8-22406. Issuance.

It shall be the duty of the building inspector to issue a zoning permit, provided he is satisfied that the structure, building, or premises, and the proposed use thereof, conform with all requirements of this chapter. (Sec. 8-22406, Ord. 87.)

Sec. 8-22407. Expiration.

In any case where a zoning permit has not been used within six months after the date of granting thereof, then without further action, it shall become null and void. (Sec. 8-22407, Ord. 87.)

- § 8-22500. Purpose.
- § 8-22501. Conditional use permit required.
- § 8-22502. Considerations in hearing conditional use permit applications.
- § 8-22503. Application and accompanying material.
- § 8-22504. Reviewing agency.
- § 8-22505. Issuing agency.
- § 8-22506. Public hearings.
- § 8-22507. Hearings on conditional use permits by zoning administrator.
- § 8-22508. Referral to planning commission.
- § 8-22509. Action on application by reviewing agency.
- § 8-22510. Issuance of conditional use permit.
- § 8-22511. Expiration of applications and permits.
- §§ 8-22512, 8-22513. Repealed by Ordinance No. 1209, enacted November 1, 1977.

Sec. 8-22500. Purpose.

The purpose of conditional use permits is to allow a proper integration into the community of uses which may only be suitable in specific locations in a zoning district, or only if such uses are designed or laid out in a particular manner on the site or are subjected to specific conditions. In addition, in select locations, control as to design of structures and site layout is necessary to assure compatibility within the district and its surroundings. (Ord. No. 1099, § 21, 5-25-76; Ord. No. 1120, § 19, 11-2-76.)

Sec. 8-22501. Conditional use permit required.

A conditional use permit shall be required for all uses or development proposals listed as conditional uses in the district regulations, or elsewhere in this chapter. (Ord. No. 1099, § 21, 5-25-76; Ord. No. 1120, § 20, 11-2-76.)

Sec. 8-22502. Considerations in hearing conditional use permit applications.

In considering an application for a conditional use, the planning commission or the zoning administrator, as the case may be, shall consider the following:

- (a) The suitability and adequacy of the site for the proposed use;
- (b) The estimated effect of the proposed use or design on traffic circulation and on the planned capacity of the street system;
- (c) The estimated economic effect of the proposed use on nearby uses;
- (d) The estimated impact of the proposed use on the general welfare of persons residing within the community; and
- (e) The compatibility of design with adjacent uses within the district and its surroundings. (Ord. No. 1099, § 21, 5-25-76; Ord. No. 1120, § 21, 11-2-76.)

Sec. 8-22503. Application and accompanying material.

Application for a conditional use permit shall be made by the property owner or agent thereof on a form prescribed by the city and shall be accompanied by the following submittal requirements except as may be exempted by the director of planning for uses in existing structures:

- (a) Vicinity map;
- (b) Basic site plan;
- (c) Basic floor plans;
- (d) Building elevations;

- (e) Signing plan;

- (f) Statement of proposed operations. (Ord. No. 1099, § 21, 5-25-76.)

Sec. 8-22504. Reviewing agency.

The reviewing agency for conditional use permit applications shall be the commission except where other provisions of this chapter specify that the zoning administrator shall be the reviewing agency. (Ord. No. 1099, § 21, 5-25-76.)

Sec. 8-22505. Issuing agency.

The director of planning shall be responsible for issuance of conditional use permits which have been approved by the reviewing agency. (Ord. No. 1099, § 21, 5-25-76.)

Sec. 8-22506. Public hearings.

(a) *Defined.* As used in this article, "public hearing" means a regularly scheduled hearing before the reviewing agency at which the applicant, city representatives, other interested persons and the public in general are invited to make presentations in the matter under consideration.

(b) *When required.* Except as required in paragraphs (1) and (2) of this subsection, no public hearing need be held by the reviewing agency in considering an application for a conditional use permit.

- (1) A public hearing may be ordered and held by the reviewing agency when it deems such public hearing to be necessary in the public interest.
- (2) A public hearing shall be required before approving any conditional use permit application which involves the sale of alcoholic beverages for consumption on the premises; provided, however, that failure to hold any such public hearing shall in no way be deemed to affect the validity of any action taken in denying permission to sell alcoholic beverages for consumption on the premises. Whenever any application includes any use as aforesaid, the director of planning is authorized to cause notice of the public hearing to be given pursuant to paragraph (c) of this section; however, the director need not take such action if he intends to recommend to the commission that the requested use permit, or the part thereof involving sale of alcoholic beverages for consumption on the premises, be denied.

(c) Notice of public hearing shall be given not less than ten days prior to the date of said hearing by mailing notice to all owners, as shown on the last adopted tax roll, of property within three hundred feet of the parcel involved. Notice may also be given by such other means as the reviewing agency deems appropriate. Failure of any person, other than the applicant, to receive notice of any hearing or public hearing shall in no way affect the validity of action taken. (Ord. No. 1099, § 21, 5-25-76.)

Sec. 8-22507. Hearings on conditional use permits by zoning administrator.

In instances where the provisions of this Code designate the zoning administrator as the reviewing agency, applications shall be considered and acted upon after hearing held in the city offices at a time agreeable to the applicant and the zoning administrator. At the hearing, the applicant shall have the right to present statements, evidence and witnesses in support of his application. The zoning administrator may hold

the hearing without the applicant being present if the applicant has indicated that he does not choose to be present at said hearing. (Ord. No. 1099, § 21, 5-25-76.)

Sec. 8-22508. Referral to planning commission.

In cases where the zoning administrator determines that a use permit application is of such a nature that it warrants consideration by the planning commission, he shall refer the application to the commission. (Ord. No. 1099, § 21, 5-25-76.)

Sec. 8-22509. Action on application by reviewing agency.

Upon the concluding of its evaluation of a proposed use pursuant to Section 8-22502, the reviewing agency may either deny the application or approve it with such conditions it deems necessary. Such action shall be communicated to the applicant in writing and, if favorable, shall be the basis for subsequent issuance of the conditional use permit by the director of planning.

The reviewing agency shall approve the application only if it finds:

- (a) That the site is suitable and adequate for the proposed use;
- (b) That the proposed use and design would not have a substantial adverse effect on traffic circulation and on the planned capacity of the street system;
- (c) That the proposed use would not have a substantial adverse economic effect on nearby uses;
- (d) That the proposed use would not have a substantial adverse impact on the general welfare of persons residing in the community; and
- (e) That the design of the project is compatible with existing and proposed development within the district and its surroundings. (Ord. No. 1099, § 21, 5-25-76; Ord. No. 1120, § 22, 11-2-76.)

Sec. 8-22510. Issuance of conditional use permit.

Subsequent to development organization review substantiating evidence that all conditions required to be fulfilled prior to the issuance of the permit have been satisfied, the director of planning shall issue the necessary conditional use permit. (Ord. No. 1099, § 21, 5-25-76.)

Sec. 8-22511. Expiration of applications and permits.

Approvals of conditional use permit applications shall be valid for either:

- (a) One year from the date of approval; or
- (b) The time specified in the approval.

However, at any time within the stated one-year period, the approval may be extended by the reviewing agency upon applicant requesting in writing such extension and paying the established fee.

Conditional use permits shall be valid for either:

- (a) Two years from date of issuance, except to the extent that the permit was approved for a shorter period of time; or
- (b) If used, for an indefinite period following commencement of use, except where the permit has been approved for a specific period, in which case the permit shall expire at the conclusion of such period.

For the purpose of this section, a permit shall be deemed

to have been "used" when actual substantial continuous activity has taken place upon the land pursuant to the permit, or in the event the erection of a structure or structures is involved, when sufficient building activity has occurred to cause vested rights to accrue under the general principles of state law relating to the vesting of rights in connection with building permits generally. Any issue, doubt or controversy respecting whether or not a permit has been "used" shall be referred to the commission for decision and determination.

A conditional use permit shall be considered attached to and running with the land. (Ord. No. 1099, § 21, 5-25-76.)

Secs. 8-22512, 8-22513. Repealed by Ordinance No. 1209, enacted November 1, 1977.

- § 8-22600. Application.
- § 8-22601. Submission of plan of operation.
- § 8-22602. Reserved.
- § 8-22603. Report by expert consultants.
- § 8-22604. Review by granting authority.
- § 8-22605. Issuance of permit.
- § 8-22606. Continued enforcement.
- § 8-22607. Appeal.

Sec. 8-22600. Application.

An application for any permit for a use subject to performance standards procedure, shall be submitted in duplicate on a form prescribed by the building inspector. (Sec. 8-22600, Ord. 87.)

Sec. 8-22601. Submission of plan of operation.

The applicant shall also submit in duplicate a plan of the proposed construction or development, including a description of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth in article 19, in accordance with rules prescribed by the granting authority specifying the type of information required in such plans and specifications. (Sec. 8-22601, Ord. 87; Ord. No. 793, § 18, 9-15-70.)

Sec. 8-22602. Reserved.

Sec. 8-22603. Report by expert consultants.

If, in its opinion, the proposed use may cause the emission of dangerous or objectionable elements, the granting authority may so advise the applicant; thereupon, an estimate of the cost necessary to refer the application to one or more mutually satisfactory expert consultants, qualified to advise as to whether a proposed use will conform to the applicable performance standards, for investigation and report shall be determined. The applicant then may abandon the application or may deposit such estimated costs as a part of the application fee. If such costs are deposited, such consultants shall be retained to make the required investigation and report. Such consultants shall report to the granting authority as promptly as possible after their receipt of such application. A copy of such report shall be furnished applicant at the same time. (Sec. 8-22603, Ord. 87; Ord. No. 793, § 19, 9-15-70.)

Sec. 8-22604. Review by granting authority.

After the granting authority has received the aforesaid application, or the aforesaid report if a report was required, the granting authority shall decide whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of the desired permit or require a modification of the proposed plan of construction or specifications, proposed equipment or operation. (Sec. 8-22604, Ord. 87; Ord. No. 793, § 20, 9-15-70.)

Sec. 8-22605. Issuance of permit.

Any permit so authorized and issued shall be conditioned upon, among other things, the applicant's completed buildings and installations conforming in operation to the applicable performance standards. (Sec. 8-22605, Ord. 87.)

Sec. 8-22606. Continued enforcement.

The building inspector shall investigate any purported vio-

lation of performance standards and, if there is reasonable grounds to believe a violation exists, he shall notify the city manager of the occurrence or existence of a probable violation thereof. (Sec. 8-22606, Ord. 87.)

Sec. 8-22607. Appeal.

The determination of the commission or the zoning administrator as the case may be, with respect to performance standards review shall be appealable to the city council as provided for herein. If no appeal is taken within the time as prescribed herein, the determination of the granting authority is final. (Sec. 8-22607, Ord. 87; Ord. No. 793, § 21, 9-15-70.)

ARTICLE 27. SITE PLAN AND ARCHITECTURAL
APPROVAL.

- § 8-22700. Purpose.
- § 8-22701. Development organization created.
- § 8-22702. Approval required.
- § 8-22703. Application.
- § 8-22704. Accompanying maps and drawings required.
- § 8-22705. Action by development organization.
- § 8-22706. Guidelines for approval.
- § 8-22707. Signs.
- § 8-22707.5. Buildings, moving of.
- § 8-22708. Submittal to planning commission for clarification.
- § 8-22709. Expiration of approval.

Sec. 8-22700. Purpose.

The purpose of site plan and architectural approval is to determine compliance with the specific regulations of this chapter and with the general provisions of policies adopted by city council resolutions, and to promote the orderly development of the city, the stability of land values and development by the erection of structures or additions or alterations thereto with proper attention to the harmony, compatibility and aesthetic quality of the architecture, landscape architecture, and engineering design. (Sec. 8-22700, Ord. 87; Ord. No. 983, § 1, 3-26-74; Ord. No. 1122, § 1, 12-7-76.)

Sec. 8-22701. Development organization created.

There is hereby created a site plan and architectural approval agency known as the development organization, consisting of one member each from the current planning, building inspection, engineering and parks divisions of the community/economic development department who shall be appointed by the community/economic development manager; one member of the fire department who shall be appointed by the fire chief; and one member of the police department who shall be appointed by the police chief; to carry out the duties hereinafter set forth. (Sec. 8-22701, Ord. 87; Sec. 11, Ord. 360; Ord. No. 993, § 1, 3-26-74; Ord. No. 1122, § 1, 12-7-76.)

Sec. 8-22702. Approval required.

Site plan and architectural approval is required for the following uses:

- (a) Any use requiring site plan and/or architectural approval in the district regulations and all planned district uses except detached single-family residences.
- (b) Any use requiring a conditional use permit.
- (c) Buildings moved into or within the city.
- (d) Refuse and waste areas.
- (e) Public and semipublic swimming pools.
- (f) Signs.
- (g) Remodeling of the exteriors of commercial and industrial buildings.
- (h) Any use not encompassed within the definition of "automobile service station" in section 8-2111 which is being commenced in a building constructed, designed and used as or as a portion of an automobile service station or gasoline service station, where the use or uses to be commenced are proposed to replace or supersede the use of the building for purposes encompassed within such definition. (Ord. No. 87, § 8-22702; Ord. No. 542, § 1; Ord. No. 685, § 2; Ord. No. 838, § 2, 5-18-71; Ord. No. 983, § 1, 3-26-74; Ord. No. 1824, § 11, 5-1-79.)

Sec. 8-22703. Application.

Application shall be made by the property owner or agent on a form prescribed for this purpose by the city. (Sec. 8-22703, Ord. 87; Ord. No. 983, § 1, 3-26-74.)

Sec. 8-22704. Accompanying maps and drawings required.

Maps, drawings, and other materials of a number and appropriate scale as specified by the planning director shall be submitted for review in accordance with the following specifications.

(a) Site plans, denoting location and configuration of buildings and proposed use thereof, parking stalls, vehicular access ways, pedestrian ways, fencing, landscaped and/or recreational areas, street rights-of-way, existing street improvements, fire hydrants, refuse and waste areas, and other significant site features; and including computations on numbers of parking spaces, amounts of usable open space, and building coverages.

(b) Plats of survey of the property, including data as specified in the building code.

(c) Construction plans and specifications of sufficient clarity to indicate the nature and extent of the intended work program and to show in detail that it will conform to the provisions of all relevant laws, codes, rules, and regulations.

(d) Grading and drainage plans, showing existing and finished grade elevations to indicate the extent of proposed grading and the method for conveying the on-site drainage to the nearest downstream facility. Site grading shall not obstruct natural flow from abutting property or divert drainage from its natural watershed. This information shall include the following:

- (1) Finished floor elevations.
- (2) Existing and final grade elevations along the perimeter of the property.
- (3) Approximate locations, pipe sizes, construction slope, and invert and grate elevations of any existing or proposed underground storm drain lines.
- (4) Any other information necessary to define the storm drain construction.

(e) Landscape plans, denoting the location and spacing of all existing and proposed on-site landscape materials and street trees and including a complete keyed plant list showing quantities, container sizes, and correct botanical designations of all landscape materials; design details for such landscape architectural features as walls or fences, lighting, paving patterns, arbors, benches, fountains and other like features; and complete automatic irrigation plans.

Any materials required by this section, or portion thereof, may be deleted by the development organization if considered unnecessary to the review process. (Sec. 8-22704, Ord. 87; Sec. 2, Ord. 351; Sec. 12, Ord. 360; Ord. No. 983, § 1, 3-26-74.)

Sec. 8-22705. Action by development organization.

The development organization shall have the function, duty, and power to approve or disapprove, or to approve subject to compliance with such modifications or conditions as it may deem necessary to carry out the purpose of these regulations, the external design and site plan for all developments in accordance with the provisions of this chapter; provided, however, that the development organization shall not review the appropriateness of exterior architectural features of buildings

or structures, or the architectural features of signs and other exterior fixtures in any district which an (H) District designation overlays where the historical architectural review board is required to approve such matters. The development organization shall impose such conditions as are necessary to carry out policies adopted by ordinance or resolution of the city council. (Sec. 8-22705, Ord. 87; Sec. 13, Ord. 360; Ord. No. 915, § 19, 8-1-72; Ord. No. 983, § 1, 3-26-74.)

Sec. 8-22706. Guidelines for approval.

In addition to all other applicable regulations and policies, the development organization shall give important consideration during the review process to the following guidelines for approval:

(a) *General principles.*

- (1) Good architectural character is based upon the suitability of a building for its purposes, upon the appropriate use of sound materials and upon the principles of harmony and proportion in the elements of the building.
- (2) Good architectural character is not, in itself, more expensive than poor architectural character, and is not dependent upon the particular style of architecture selected.
- (3) Site planning and architectural conditions of the historical architectural review board shall be included.
- (4) Where environmental impact reports for projects have included mitigating measures, consideration shall be given to the extent the proposal incorporates these mitigating measures.

(b) *Site planning.*

- (1) The natural topographic and landscape features of a site shall be incorporated into a development wherever possible.
- (2) Buildings and open spaces shall be in proportion and scale with existing structures and spaces in the surrounding area.
- (3) A site shall not be so overcrowded as to cause unbalanced relationships of buildings to open space. Open space areas shall not be unduly isolated from one another by unrelated physical obstructions such as buildings and paved vehicular areas, but rather, shall be linked by open space corridors of reasonable width.
- (4) Buildings shall be sited in an orderly, nonrandom fashion. Excessively long, unbroken building facades shall be avoided.
- (5) All areas not otherwise occupied by structures or paved areas shall be landscaped and irrigated by an adequate irrigation system. An adequate irrigation system for landscaped areas in excess of ten thousand square feet shall consist of an automatic sprinkler installation unless the development organization finds that adequate irrigation can be provided with a manually operated system utilizing no more than four valves. Landscape plans for developments containing in excess of ten thousand square feet shall be prepared by a licensed landscape architect.
- (6) Sites shall be lighted with fixtures, when required, which relate to the scale and design of the development and which have an intensity high enough to maintain security and low enough to avoid being a nuisance.

(7) Habitable spaces shall be oriented with due regard to sun, prevailing wind, desirable vistas, and nearby land uses.

(8) The floor plans of residential units shall have proper orientation, access and view to adjacent private and public open space.

(9) The intrusion of automobiles into the privacy of residential environments shall be minimized while maintaining the convenience of access between units and parking areas.

(10) Paved areas shall be only as large as necessary to serve parking, circulation and open space needs and their appearance shall be enhanced by landscaping. Carports or garages of residential projects shall enhance the parking areas by their design. Monotonous, extended, unbroken parking areas, driveways and carport structures shall be avoided. Parking structures and areas shall be separated from the residential building by landscaped open space.

(c) *Architectural design.*

- (1) Materials, textures and colors employed shall be compatible.
- (2) Building design elements shall avoid monotonous repetition and excessive variety of forms, patterns and colors.
- (3) Materials and design details shall be consistent with the general design theme.
- (4) The location, size and treatment of window and door openings shall be compatible with the wall on which they are located.
- (5) Decorative devices shall not be used to conceal poor design. (Sec. 8-22706, Ord. 87; Ord. No. 983, § 1, 3-26-74; Ord. No. 1122, § 1, 12-7-76.)

Sec. 8-22707. Signs.

In carrying out the purposes of architectural approval with respect to the external design of buildings, the development organization shall give particular attention to signs and outdoor advertising structures to insure that they comply with the requirements set out in this chapter. Signs and their related design elements shall not be established, modified, altered, or replaced unless reviewed and approved by the development organization as conforming to the design requirements of this chapter; provided, that such signs and related design elements may, without such review, be repaired, repainted and otherwise maintained to continue their normal usage. (Sec. 8-22707, Ord. 87; Ord. No. 758, § 26, 12-16-69; Ord. No. 983, § 1, 3-26-74.)

Sec. 8-22707.5. Buildings, moving of.

In carrying out the purposes of architectural approval, particular attention should be devoted to buildings moved into or within the city to insure that such a building, when completed and in place, will have a finish and character that gives a finished appearance and is in architectural harmony with property improvements existing or proposed in the immediate neighborhood. The building to be moved should be architecturally compatible with structures in the general area to which it is to be moved, and should not be in a dilapidated, obsolete, or deteriorated condition which in any manner may result or tend to lessen the economic values of other properties

or be detrimental to the neighborhood in which such building is to be moved. (Sec. 2, Ord. 542; Ord. No. 983, § 1, 3-26-74.)

Sec. 8-22708. Submittal to planning commission for clarification.

In the event the development organization is uncertain as to the appropriate interpretation of the standards and guidelines prescribed in this article, the agency may refer the submittal to the commission for clarification. (Sec. 8-22708, Ord. 87; Ord. No. 983, § 1, 3-26-74; Ord. No. 1209, § 5, 11-1-77.)

Sec. 8-22709. Expiration of approval.

(a) *Preliminary review.* When an application for a site plan and architectural approval has been filed prior to the formal application for building permits, other permits, or entitlements pursuant to this chapter or this Code, or has been otherwise filed prior to final plan checking submittal, the development organization shall give written notice of the action (preliminary review) it has taken on such application to the applicant. Such application and any approval thereof shall expire one year from the date of such notice if no such formal application or plan checking submittal has been filed or made within such one-year period. If such application or approval expires, the development organization may return the application and accompanying plans to the applicant or may destroy the same. The development organization may extend such expiration date for a period not exceeding one year upon written request of the applicant showing that circumstances beyond his control have prevented action being taken; provided, that no such extension shall be granted where the building code of the city or any other provisions of this chapter or Code makes the application subject to expiration thereto unless extension is granted thereon.

(b) *Final review.* Final approval of an application for site plan and architectural review shall expire by limitation and become null and void, if the building or other work authorized by such final approval is not commenced within one hundred twenty days following the date of such final approval, or if the building or other work authorized by such final approval is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty days; provided, that if building permits or other permits or entitlements have been issued in connection with such final approval, the rules governing expiration of such building permits or other permits or entitlements shall govern notwithstanding the aforesaid provisions of this subsection. In such event (of the expiration of said final approval), the development organization may return or destroy the application in accordance with the provisions of subsection (a). (Ord. No. 1122, § 2, 12-7-76.)

ARTICLE 28. PLANNED UNIT DEVELOPMENT
APPROVAL.

- § 8-22800. Purpose.
- § 8-22801. Limitation on issuing building permit.
- § 8-22802. Application.
- § 8-22803. Minimum area.
- § 8-22804. Change of district.
- § 8-22805. Drawings and plans.
- § 8-22806. Public hearings.
- § 8-22807. Findings of commission.
- § 8-22808. Action by commission.
- § 8-22809. Development subject to conditions.
- § 8-22810. Duty of building inspector.
- § 8-22811. Revocation of permit.
- § 8-22812. Expiration of permit.
- § 8-22813. Extensions.
- § 8-22814. Repealed by Ordinance No. 1209, enacted November 1, 1977.
- § 8-22815. Amendment.

Sec. 8-22800. Purpose.

The purpose of planned unit development approval is to allow diversification in the relationships of various buildings, structures, and open spaces in planned building groups and the allowable heights of the buildings and structures, while insuring substantial compliance to the district regulations and other provisions of this chapter, in order that the intent of this chapter in requiring adequate standards related to the public health, safety, and general welfare, shall be observed without unduly inhibiting the advantages of modern large-scale site planning for residential, commercial, or industrial purposes. (Sec. 8-22800, Ord. 87.)

Sec. 8-22801. Limitation on issuing building permit.

Where use is made of the planned unit development process, as provided in this article, a building permit shall not be issued for such development, or part thereof, until the commission has approved the development as herein provided. (Sec. 8-22801, Ord. 87.)

Sec. 8-22802. Application.

Application shall be made by the owner or agent on a form prescribed for this purpose by the city. (Sec. 8-22802, Ord. 87; Sec. 4, Ord. 459; Ord. No. 332, § 33, 4-20-71.)

Sec. 8-22803. Minimum area.

No application shall be made for an area of less than ten acres for a proposed C-B-D, R-1, or G-1 District use, or for an area of less than four acres for any other proposed use. (Sec. 8-22803, Ord. 87.)

Sec. 8-22804. Change of district.

No application shall be accepted for a use which will require change of zoning district, unless the application is accompanied by an application for a zoning amendment. (Sec. 8-22804, Ord. 87.)

Sec. 8-22805. Drawings and plans.

The application shall be accompanied by a general development plan showing the use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces, and architectural drawings and sketches demonstrating the design and character of the proposed uses and the physical relationship of the uses. Such other pertinent information shall be included as may be necessary to a determination that the contemplated arrangement or use makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter. (Sec. 8-22805, Ord. 87.)

Sec. 8-22806. Public hearings.

No public hearing need be held, provided that no zoning amendment is required; provided, however, that a hearing may be held by the commission in any case when it deems such hearing to be necessary in the public interest. Such a public hearing shall be held by publishing notice thereof at least five days prior to the hearing in a newspaper of general circulation printed and published in the city. (Sec. 8-22806, Ord. 87.)

Sec. 8-22807. Findings of commission.

In order to grant a planned unit development permit, the commission shall find the following:

(a) The proponents of the planned unit development have demonstrated that they intend to start construction within six months of the approval of the project and any necessary zoning district change, and that they intend to complete the construction within a reasonable time as determined by the commission.

(b) The proposed planned unit development conforms to the general plan in terms of general location and general standards of development.

(c) In the case of proposed residential developments:

That such development will constitute a residential environment of sustained desirability and stability, that it will be in harmony with the character of the surrounding neighborhood and will result in an intensity of land utilization no higher than,

and standards of open spaces at least as high as, permitted or specified otherwise for such development in this chapter.

(d) In the case of proposed commercial developments:

That traffic congestion will not likely be created by the proposed center, or will be obviated by presently projected improvements and by demonstrable provision in the plan for proper entrances and exists, and by internal provisions for traffic and parking; that the development will be an attractive and efficient center which will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding development.

(e) In the case of proposed industrial developments:

That such development is fully in conformity with the applicable performance standards and will constitute an efficient and well organized development, with adequate provisions for railroad and/or truck access service and necessary storage; that such development will have no adverse effects upon adjacent or surrounding development.

(f) The development of a harmonious, integrated whole justifies exceptions, if such are required, to the normal requirements of this chapter. (Sec. 8-22807, Ord. 87.)

Sec. 8-22808. Action by commission.

In taking action, the commission may deny a permit, may grant a permit as submitted, or may grant a permit subject to additional conditions. (Sec. 8-22808, Ord. 87.)

Sec. 8-22809. Development subject to conditions.

Any planned unit development, as authorized, shall be subject to all conditions imposed, and shall be excepted from other provisions of this chapter only to the extent specified in the permit. (Sec. 8-22809, Ord. 87.)

Sec. 8-22810. Duty of building inspector.

Following the issuance of a planned unit development permit by the commission, the building inspector shall ensure that development is undertaken and completed in conformance with the approved plans. (Sec. 8-22810, Ord. 87.)

Sec. 8-22811. Revocation of permit.

A planned unit development permit may be revoked in any case where the conditions of such permit have not been or are not being complied with, in which case the commission shall give the permittee notice of intention to revoke such permit at least ten days prior to review of the permit by the commission. After conclusion of such review, the commission may revoke such permit if the commission finds that a violation in fact exists and has not been remedied prior to such hearing. (Sec. 8-22811, Ord. 87.)

Sec. 8-22812. Expiration of permit.

In any case where a planned unit development permit has not been used within eighteen months after the date of granting thereof, then without further action, the permit shall be null and void. (Sec. 8-22812, Ord. 87; Sec. 2, Ord. 628.)

Sec. 8-22813. Extensions.

Extensions of time limitations in this article may be granted by the commission upon the showing of good faith effort, by the permittee to comply therewith and failure to so comply by reason of conditions beyond the control of the permittee. (Sec. 8-22813, Ord. 87.)

Sec. 8-22814. Repealed by Ordinance No. 1209, enacted November 1, 1977.

Sec. 8-22815. Amendment.

(a) Amendments to planned unit development permits may be initiated by the city council or the commission or by an application of one or more owners of property within the planned unit development, or their agents. The commission shall have the authority to consider such amendments.

(b) Applications for such amendments shall be accompanied by plans sufficient to describe the nature of the proposed amendment and such other pertinent information as may be necessary for a determination as to whether the public convenience, necessity and general welfare require the adoption of the proposed amendment. The applicant shall at the time of filing of the application provide a list of all owners of real property within the planned unit development, together with a stamped and addressed envelope for each such property owner.

(c) When the planned unit development consists of two or more lots, notice of the time and place of the hearing on the application shall be given by mail or delivery to all persons, businesses and corporations or other public or private entities owning real property within the planned unit development at least ten days prior to said hearing.

(d) The commission shall hold at least one hearing on the application, and shall approve the proposed amendment only if it finds the public necessity, convenience and general welfare require such approval. (Ord. No. 1327, § 3, 5-15-79.)

ARTICLE 29. VARIANCES.

- § 8-22900. Purpose.
- § 8-22901. Variance in use prohibited.
- § 8-22902. Application.
- § 8-22903. Accompanying maps and drawings.
- § 8-22904. Hearings on variance applications.
- § 8-22905. Findings by zoning granting authority.
- § 8-22906. Action by granting authority; review by city council or planning commission; hearing on review.
- § 8-22907. Repealed by Ordinance No. 1209, enacted November 1, 1977.
- § 8-22908. Revocation of variances.

Sec. 8-22900. Purpose.

The purpose of the variance is to allow variation from the strict application of the terms of this chapter where by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this chapter, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties or would cause undue hardship unnecessary to carry out the spirit and purpose of this chapter. (Sec. 8-22900, Ord. 87.)

Sec. 8-22901. Variance in use prohibited.

In no case shall a variance be granted to permit a use other than a use permitted in that district. (Sec. 8-22901, Ord. 87.)

Sec. 8-22902. Application.

Application for a variance shall be submitted by the property owner or agent, to the director of planning on a form prescribed for that purpose by the city. (Sec. 8-22902, Ord. 87; Sec. 3, Ord. 265; Sec. 5, Ord. 459; Ord. No. 832, § 34, 4-20-71.)

Sec. 8-22903. Accompanying maps and drawings,

Maps and drawings which demonstrate that the conditions set forth in this article apply to subject property, together with precise and accurate legal descriptions and scaled drawings of the parcel and existing buildings, and other data required, shall be submitted with the application. (Sec. 8-22903, Ord. 87.)

Sec. 8-22904. Hearings on variance applications.

(a) *Hearings by zoning administrator.* Except in instances where other provisions of this Code vest the authority to act on variance applications in another agency or official, each application for variance shall be considered and acted upon by the zoning administrator after hearing. Each such hearing shall be held promptly at a time and place agreeable to the applicant and the zoning administrator. At the hearing, the applicant shall have the right to present statements, evidence and witnesses in support of his application, and any other person may be heard and present evidence either in opposition or support of the application. No formal public hearing need be held, provided that the zoning administrator may order such a public hearing if it is deemed to be necessary in the public interest. If such a public hearing is ordered, notice thereof shall be given by at least one of the following two methods:

- (1) By mailing notice to all owners as shown on the last adopted tax roll, of property adjacent to and abutting the parcel on which the variance is proposed, such mailing to be at least ten days prior to the date of public hearing; or

- (2) By publishing notice in a newspaper of general circulation printed and published in the city, not less than ten days prior to the date of public hearing and by posting notice on or near the parcel at places which will be conspicuous to the neighboring properties and to the public. Failure of any person, other than the applicant, to receive notice of any hearing or public hearing shall in no way affect the validity of action taken.

(b) *Hearings by commission.* Where the maps, drawings, and other data submitted in conjunction with a conditional use permit indicate that a variance application is required, the commission shall be the granting authority, and shall have the sole authority to act upon the variance application. The commission shall conduct a hearing upon the variance application in accordance with the procedure set forth in subsection (a) for variances which are to be considered and acted upon by the zoning administrator. The commission shall grant a variance only when the findings set forth in section 8-22905 are made and may require that any conditional use permit granted shall only be effective upon the granting of the variance application. (Sec. 8-22904, Ord. 87; Sec. 3, Ord. 265; Ord. No. 1058, § 1, 8-5-75.)

Sec. 8-22905. Findings by granting authority.

The granting authority shall grant a variance only when the following conditions are found:

- (a) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situate.
- (b) That because of special circumstances applicable to subject property including size, shape, topography, location, or surroundings, the strict application of this chapter is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- (c) That the condition or situation of the specific piece of property or the intended use of the property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations. (Sec. 8-22905, Ord. 87; Sec. 3, Ord. 265; Ord. No. 1058, § 1, 8-5-75.)

Sec. 8-22906. Action by granting authority; review by city council or planning commission; hearing on review.

(a) The granting authority may grant or deny such variance or may grant such variance subject to specified conditions. The applicant shall be notified forthwith in writing of the action taken. The determination of the granting authority shall be deemed to have been made at the time of depositing in the mail written notification as hereinabove referred to, or at the time of announcement of the determination in the presence of the applicant or his authorized representative, and such determination is effective ten days thereafter unless within such ten days an appeal is filed pursuant to Article 30, or referral for city council or planning commission review has been made pursuant to subsection (b). Any such appeal or referral shall suspend the action of the granting

authority, pending final action thereon. No variance shall be granted on appeal or review unless the findings set forth in section 8-22905 shall have been made by the city council or planning commission, as the case may be.

(b) The determination of the zoning administrator as granting authority with respect to any application for a variance shall be reviewable by the city council or the commission upon referral to the city council or commission by the city manager or by the commission or the city council, on its own motion. The determination of the commission as granting authority with respect to any application for a variance shall be reviewable by the city council upon referral to the city council or commission by the city manager or by the commission or the city council, on its own motion.

(c) In any review hearing before the commission or before the city council in a variance matter, consideration by either such agency shall be limited to the evidence and matters presented in the first instance before the zoning administrator, provided that the reviewing agency may, by motion duly passed, elect in its discretion to grant a hearing *de novo*. If the commission has heard the matter *de novo*, the city council in any review hearing shall be limited in its consideration to the evidence and matters before the planning commission, unless by motion duly passed, the city council has granted a hearing *de novo*. (Sec. 8-22906, Ord. 87; Sec. 1, Ord. 153; Sec. 3, Ord. 265; Sec. 7, Ord. 361; Ord. No. 943, 4-17-73; Ord. No. 1058, § 1, 8-5-75; Ord. No. 1209, § 7, 11-1-77.)

Sec. 8-22907. Repealed by Ordinance No. 1209, enacted November 1, 1977.

Sec. 8-22908. Revocation of variances.

(a) *Initiation of proceedings.* Variances may be revoked pursuant to this section. Proceedings to initiate the revocation of a variance may be initiated by the director of planning by the filing of a written petition for the revocation of the variance with the granting authority. Such petition shall specifically refer to the lot as to which the variance was granted; describe the provisions of this chapter from which the variance was granted; describe the nature and location, if any, of any structure which was erected on such lot for which the variance was necessary; indicate the application number of the variance; and state reasons which would justify revocation of the variance and how such reasons are related to the findings necessary for the revocation of the variance. The director of planning shall transmit a copy of the petition to the owner of the property as to which the variance was granted by depositing the same in the mail.

(b) *Hearings on petitions for revocation of variances.* Each petition for revocation of a variance shall be considered and acted upon after hearing by the authority which granted the variance (hereinafter referred to as the granting authority). Each such hearing shall be held at a time and place to be determined by the granting authority, which shall transmit written notification of the time, date, place, and subject of the hearing to the property owner and the director of planning not less than fifteen days prior to such hearing. Transmittal of written notification to the property owner shall be deemed to have been made at the time such notification is deposited in the mail.

(c) *Findings by granting authority.* Except as otherwise provided in this subsection, the granting authority shall revoke a variance only when the following conditions are found:

(1) That under the present circumstances the continued

existence of the variance would constitute a special privilege inconsistent with limitations upon other properties in the vicinity and zone in which the subject property is situated.

- (2) That there are no special circumstances applicable to the subject property, whether of size, shape, topography, location or surroundings whereby the strict application of this chapter deprives the subject property of privileges enjoyed by other properties in the same vicinity and under identical zone classification.
- (3) That the continued existence of the variance would be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons and property in the vicinity or city.
- (4) That sufficient building activity has not occurred on the property in reliance on the variance so as to have caused vested rights to have accrued under the general principles of state law relating to the vesting of rights in connection with building permits generally. (Ord. No. 1058, § 2, 8-5-75; Ord. No. 1209, § 9, 11-1-77.)

ARTICLE 30. APPEALS TO COUNCIL AND
PLANNING COMMISSION.

- § 8-23000. Purpose.
- § 8-23001. Definitions.
- § 8-23002. Actions appealable to city council.
- § 8-23003. Actions appealable to the commission.
- § 8-23004. Actions not appealable.
- § 8-23005. Filing notice of appeal with commission.
- § 8-23006. Appeals not allowed where other remedies available.
- § 8-23007. Notice of appeal—Time limit.
- § 8-23008. Same—Contents.
- § 8-23009. Appeal fee.
- § 8-23010. Action by secretary.
- § 8-23011. Public hearing may be held.
- § 8-23012. Consideration by commission.

Sec. 8-23000. Purpose.

The purpose of the appeal procedure is to provide a general method of recourse for persons aggrieved by or dissatisfied with any action by an administrative agency of the city in the administration or enforcement of any provision of this chapter. (Ord. No. 1209, § 10, 11-1-77.)

Sec. 8-23001. Definitions.

Unless it is plainly evident from the context of this article that a different meaning is intended, certain terms used in this article are defined as follows:

(a) *Action*: The issuance, granting, approval, extension or amendment of any license, permit, certificate, variance or other entitlement; or the imposition of any condition in connection therewith; or the denial, disapproval, suspension or revocation thereof; the making or failure or refusal to make any finding; or the imposition of any order or requirement; or any other decision or determination; pursuant to this chapter.

(b) *Administrative agency*: Any administrative official, board, commission, body, or other agency of the city, except the city council.

(c) *Applicant*: Any person whose application for a license, permit, certificate, finding, variance, or other entitlement was approved, issued or granted by an administrative agency, where an appeal is taken from the action of such agency by a third party appellant.

(d) *Direct subject appellant*: Any person who appeals an action taken

- (1) In connection with an application which he filed or which was filed on his behalf with an administrative agency; or
- (2) In connection with suspension or revocation of any license, permit, certificate, or other entitlement previously granted or issued to him; or
- (3) Ordering him or advising him that he will be required to perform or cease and desist from performing any act, or correct any omission or deficiency.

(e) *Third party appellant*: Any person aggrieved by any action who is not defined herein as a direct subject appellant. (Ord. No. 1209, § 10, 11-1-77.)

Sec. 8-23002. Actions appealable to city council.

The following actions are appealable to the city council:

(a) All actions of the commission, both as an appellate agency and as an agency exercising original jurisdiction, including recommendations of denials of applications made pursuant to Article 31;

(b) All determinations of the historical architectural review board; provided, however, that this subsection does not apply to reports and recommendations by said board regarding amendments to the general plan pursuant to section 8-21852(c);

(c) All actions of other administrative agencies which do not involve the issuance, granting, approval, extension or amendment of any license, permit, certificate, variance or other entitlement; or the imposition of any condition in connection therewith; or the making or refusal to make any finding in connection therewith; or the denial, disapproval, suspension or revocation thereof; pursuant to this chapter.

Appeals to the city council shall be governed by the procedure set forth in Chapter 5 of Title I of this Code. (Ord. No. 1209, § 10, 11-1-77.)

Sec. 8-23003. Actions appealable to the commission.

The following actions are appealable to the commission:

(a) Actions of the zoning administrator with respect to permits for temporary construction yards and temporary tract offices;

(b) Actions of the zoning administrator with respect to temporary and seasonal uses, where the appellant is a direct subject appellant;

(c) Actions of the zoning administrator with respect to conditional use permits;

(d) Actions of the zoning administrator with respect to performance standards review;

(e) Actions of the development organization with respect to site plan and architectural approval, where the appellant is a direct subject appellant;

(f) Actions of the zoning administrator with respect to variances;

(g) Except for determinations of the historical architectural review board and actions specifically declared not to be appealable pursuant to section 8-23004, other actions of administrative officials involving the issuance, granting, approval, extension or amendment of any license, permit, certificate, variance or other entitlement; or the imposition of any condition in connection therewith; or the making or refusal to make any finding in connection therewith; or the denial, disapproval, suspension or revocation thereof; pursuant to this chapter. (Ord. No. 1209, § 10, 11-1-77.)

Sec. 8-23004. Actions not appealable.

The following actions are not appealable:

(a) Actions of the zoning administrator with respect to temporary and seasonal uses taken pursuant to section 8-22210, where the appellant would constitute a third party appellant.

(b) Actions of the development organization with respect to site plan and architectural approval, where the appellant would constitute a third party appellant.

Actions of the zoning administrator with respect to temporary and seasonal uses and actions of the development organization with respect to site plan and architectural approval shall be final and conclusive except with respect to persons who would constitute direct subject appellants. (Ord. No. 1209, § 10, 11-1-77.)

Sec. 8-23005. Filing notice of appeal with commission.

Any person aggrieved by or dissatisfied with, or excepting to any action by an administrative agency as to which an appeal to the commission is authorized pursuant to section 8-23003 may appeal from such action by filing a written notice of appeal with the secretary of the commission, directed to the commission. (Ord. No. 1209, § 10, 11-1-77.)

Sec. 8-23006. Appeals not allowed where other remedies available.

Upon receipt of a notice of appeal pursuant to this chapter, the secretary of the commission shall investigate whether the appellant has an administrative means of relief or remedy available to him other than by appeal to the commission. Such alternative means of relief or remedies include but are not limited to modifications of conditions of planned P Districts, planned unit development permits, and the granting of variances pursuant to the zoning ordinance. If the secretary of the commission finds that such alternative remedy or means of relief is available, he shall advise the appellant in writing of this fact, the action the appellant should take, and which administrative agency of the city may grant such relief. The appeal shall thereupon be terminated, and the appellant shall be refunded any appeal fee he may have paid. (Ord. No. 1209, § 10, 11-1-77.)

Sec. 8-23007. Notice of appeal—Time limit.

(a) A notice of appeal of a direct subject appellant who is aggrieved by or dissatisfied with a decision on an application made by him or in his behalf, or with any action, order, requirement, decision or determination as to which he is a direct subject appellant shall not be acted upon unless filed within ten days after service of written notice of such action appealed from; provided, that if such notice of action has not been served in writing the appellant may, within ten days after being apprised of such action, demand service of written notice thereof, and shall have ten days following such service in which to file the notice of appeal. For purposes of this section, written notice shall be deemed to have been served upon deposit with the United States Postal Service of such notice by first-class mail or airmail, postage prepaid.

(b) A notice of appeal of a third party appellant who is not a direct subject of the actions from which the appeal is sought, shall not be acted upon unless filed within ten days of the action, denial, order, requirement, permit, decision or determination which is the subject of the appeal.

(c) No appeal shall be submitted to the commission for consideration if the notice of appeal is not filed within the time limit prescribed in this section unless the appellant shall file with the secretary of the commission a written request for leave to file a late appeal. The request shall specify the reasons why the notice of appeal was not timely filed. The request shall not be submitted to the commission unless it shall have been filed with the secretary of the commission not more than thirty days from the date of the action, denial, order, requirement, permit, decision or determination from which appeal is sought. A timely request shall be considered by the commission and may be granted only if the commission finds that there is good cause for tardiness in filing the appeal; provided, however, that if the request was filed by a third party appellant, the commission shall not grant it unless it makes the additional finding that the delay in the filing of the notice of appeal will not work to the substantial prejudice of the applicant and will not cause him

substantial economic hardship.

(d) The timely filing of a notice of appeal by a third party appellant, or the granting of a request for leave to file a late appeal to such an appellant, shall cause a stay in the operative effect of the action, permit, decision or determination from which the appeal has been taken until the commission shall have rendered its decision on the appeal, unless the appeal is first withdrawn.

(e) When a request for leave to file a late appeal has been timely filed, the secretary of the commission shall schedule the matter promptly upon the commission agenda at a subsequent regular meeting. He shall cause notice thereof to be given not less than five days prior to such meeting to the person filing the request and in the case of a request filed by a person who, as an appellant, would be described under subsection (b), he shall also cause such notice to be sent to the applicant. (Ord. No. 1209, § 10, 11-1-77.)

Sec. 8-23008. Same—Contents.

The notice of appeal shall set forth (a) the specific action appealed from; (b) the specific grounds of the appeal; and (c) the relief or action sought from the commission. In the event any notice of appeal fails to set forth any information set forth by this section, the secretary of the commission shall return the same to the appellant with a statement of the respects in which it is deficient, and the appellant shall thereafter be allowed five days in which to perfect and refile his notice of appeal. (Ord. No. 1209, § 10, 11-1-77.)

Sec. 8-23009. Appeal fee.

Except where an appeal is filed by the city manager or other public official in pursuance of his official duties, the written notice of appeal shall be accompanied by a fee, as established by resolution of the city council. If the notice of appeal is not accompanied by a fee, or if the amount paid is insufficient to constitute the appropriate fee, the secretary of the commission shall promptly notify the appellant of the deficiency and shall advise him that the appeal shall not be considered unless the deficiency is corrected within five days of the notice. No appeal shall be scheduled for consideration by the commission unless and until the appropriate appeal fee has been paid. If a deficiency in payment of an appeal fee is not corrected within the time period prescribed in the notice, the right of appeal shall be terminated. (Ord. No. 1209, § 10, 11-1-77.)

Sec. 8-23010. Action by secretary.

Upon the timely filing of a notice of appeal in proper form and with payment of the appeal fee pursuant to section 8-23009 (including cases in which the notice of appeal was filed upon the granting of leave to file a late appeal by the commission), the secretary of the commission shall schedule the matter promptly on the commission agenda at a subsequent regular meeting and shall cause notice thereof to be given the appellant not less than five days prior to such hearing, unless such notice is waived in writing by the appellant. Where the notice of appeal was filed by a third party appellant, the notice of hearing shall be given to the applicant not less than five days prior thereto. The secretary of the commission shall also cause a copy of the notice of appeal to be transmitted to the official or body whose action has been appealed from. Notice of hearing given pursuant to this section shall be in writing and shall be deemed to have been given upon deposit with the United States Postal Service of such notice by first-class mail or airmail, postage prepaid, addressed to the last

known address of the appellant. (Ord. No. 1209, § 10, 11-1-77.)

Sec. 8-23011. Public hearing may be held.

No public hearing need be held by the commission on any such appeal, provided that a public hearing may be held when the same is deemed necessary in the public interest. If a public hearing is ordered, notice thereof shall be given by publishing notice of the same in a newspaper of general circulation in the city not less than ten days prior to the date of such hearing, and by such other means as the commission deems necessary. (Ord. No. 1209, § 10, 11-1-77.)

Sec. 8-23012. Consideration by commission.

(a) *Scope of hearing.* In any appeal hearing or any hearing regarding the review of a variance before the commission consideration shall be limited to the evidence and matters presented in the first instance before the administrative agency whose action is the subject of the appeal; provided, however, that the commission may, by motion duly passed, elect in its discretion to grant a hearing *de novo*.

(b) *Consideration by commission.* At the time of consideration of the appeal by the commission the appellant shall be limited to a presentation on the specific grounds of appeal and matters set forth in this notice of appeal and shall have the burden of establishing cause why the action appealed from should be altered, reversed or modified. Where the notice of appeal was filed by a third party appellant, the applicant shall have the right to present evidence in support of the action.

(c) *Action by commission.* The commission may continue the matter from time to time, and at the conclusion of its consideration may affirm, reverse or modify the action appealed from and may take any action which might have been taken in the first instance by the administrative agency [from] whose action the appeal has been taken; provided, however, that the commission shall not grant an appeal of a denial of a variance unless it has first made the findings set forth in section 8-22905. (Ord. No. 1209, § 10, 11-1-77.)

- § 8-23100. Type; when to be made.
- § 8-23101. Application for amendment.
- § 8-23102. Accompanying fee, maps, and data.
- § 8-23103. Calling of public hearing.
- § 8-23104. Notice of public hearing.
- § 8-23105. Repealed by Ordinance No. 459.
- § 8-23106. Action by commission on proposed amendments.
- § 8-23107. Submission of recommended amendment to council.
- § 8-23108. Repealed by Ordinance No. 1209, enacted November 1, 1977.
- § 8-23109. Action by city clerk; notice of public hearing.
- § 8-23110. Findings by council.
- § 8-23111. Action by council; change in commission recommendation.
- § 8-23112. Effect of denial of application.

Sec. 8-23100. Type; when to be made.

This chapter may be amended by changing the boundaries of districts or by changing any other provision of this chapter whenever the public necessity, convenience and general welfare require such amendment. (Sec. 8-23100, Ord. 87.)

Sec. 8-23101. Application for amendment.

Amendments may be initiated by the city council or the planning commission or by an application of one or more owners of property affected by the proposed amendment. (Sec. 8-23101, Ord. 87.)

Sec. 8-23102. Accompanying fee, maps, and data.

An application by an individual for an amendment shall be accompanied by maps, drawings and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description and scale drawings of the land and existing buildings shall be submitted with the application. (Sec. 8-23102, Ord. 87; Sec. 6, Ord. 459; Ord. No. 832, § 35, 4-20-71.)

Sec. 8-23103. Calling of public hearing.

Upon filing of an application pursuant to this article by any person, or upon initiation of an amendment by the city council, the director of planning shall take appropriate steps to schedule and publish notice of a public hearing on the matter before the commission, any such hearing to be held as soon thereafter as the necessary studies and report can be completed by the planning department and necessary legal notice of the hearing can be accomplished, and subject to any rules of the commission relating generally to scheduling of such hearings; provided, however, that in the event any rezoning applied for by a person is determined by the director of planning to be not in general conformance with the general plan, or if such conformance is doubtful, the application shall be placed on the commission agenda without a public hearing having been called thereon. If the commission decides that any such rezoning would be in conformance with the general plan, and if it deems it be in the public interest, the commission may call a public hearing thereon. (Sec. 8-23102, Ord. 87; Sec. 1, Ord. 270.)

Sec. 8-23104. Notice of public hearing.

(a) In the case of any public hearing called in accordance with the provisions of the preceding section, notice of the time and place of the hearing shall be given by at least one publication in a newspaper of general circulation in the city and by mail or delivery to all persons, businesses, corporations or other public or private entities, owning real

property within three hundred feet of the property which is the subject of the proposed zoning change, at least ten days prior to the public hearing. The names and addresses of such persons, businesses, corporations or entities as shown on the current tax roll records of the County Assessor of Alameda County shall be used for giving notice pursuant to this section. In the event that the proposed amendment has been requested by a person other than the property owner as such property owner is shown on the last equalized assessment roll, mailed notice shall also be given to the owner of the property as shown on the last equalized assessment roll.

(b) In the event that the number of owners to whom notice would be sent pursuant to subdivision (a) is greater than one thousand, as an alternative to the notice required by subdivision (a), notice may be provided pursuant to this subdivision. Such notice shall be given at least ten days prior to the hearing by either of the following procedures:

- (1) By placing a display advertisement of at least one-fourth page in the newspaper having the greatest circulation within the area affected by the proposed amendment and in at least one additional newspaper having general circulation within such area, if such additional newspaper is available; or
- (2) By placing an insert with any generalized mailing sent by any public agency to property owners in the area affected by the proposed amendment such as billings for services of such agency. (Ord. No. 87, § 8-23104; Ord. No. 270, § 1; Ord. No. 1029, § 1, 2-18-75; Ord. No. 1284, § 1, 10-17-78)

Sec. 8-23105. Repealed by Ordinance No. 459.

Sec. 8-23106. Action by commission on proposed amendments.

If at the conclusion of any hearing, the commission decides to recommend amendment of this chapter, the recommendation shall be by motion carried by the affirmative votes of not less than a majority of the total members of the commission. No recommendation for amendment shall be made without a public hearing having been held thereon; provided, however, that notwithstanding any other provision of this article, the commission may, without having held a public hearing, recommend an amendment which does not change any property from one district to another, and which does not impose any regulation listed in Section 65800 of the California Government Code not theretofore imposed. No recommendation for amendment shall be made unless the commission finds that such proposed amendment is in general conformance with the general plan and that the public necessity, convenience, and general welfare require the adoption of the proposed amendment. (Sec. 8-23106, Ord. 87; Sec. 1, Ord. 270; Ord. No. 1004, § 1, 9-3-74.)

Sec. 8-23107. Submission of recommended amendment to council.

A copy of any recommended amendment which changes any property from one district to another or imposes any regulation listed in Section 65800 of the California Government Code not theretofore imposed or removes or modifies any such regulations theretofore imposed, shall be submitted to the city council and shall be accompanied by a report of findings, summary of hearings, and recommendations of the commission. (Sec. 8-23107, Ord. 87; Sec. 1, Ord. 270.)

Sec. 8-23108. Repealed by Ordinance No. 1209, enacted November 1, 1977.

Sec. 8-23109. Action by city clerk; notice of public hearing.

Upon receipt of a copy of any recommended amendment from the commission the city clerk shall place the matter upon the agenda of the city council at the earliest meeting practicable having due regard to the rules of the council and time necessary for the giving of notice of public hearing if such notice is required. If the amendment recommended is to change any property from one district to another or to impose any regulation listed in section 65800 of the California Government Code not theretofore imposed or to remove or modify any such regulation theretofore imposed, the city clerk shall schedule the matter for public hearing on the council agenda and shall cause notice of the time and place of the hearing to be published in a newspaper of general circulation in the city, at least ten days prior to such hearing. (Sec. 8-23109, Ord. 87; Sec. 1, Ord. 270.)

Sec. 8-23110. Findings by council.

In order to amend this chapter, the council shall find the following:

(a) That the proposed amendment is in general conformance with the general plan.

(b) That the public necessity, convenience, and general welfare require the adoption of the proposed amendment. (Sec. 8-23110, Ord. 87.)

Sec. 8-23111. Action by council; change in commission recommendation.

(a) The city council shall hold a public hearing before adopting any ordinance which amends this chapter by changing any property from one district to another, or by imposing any regulation listed in Section 65800 of the California Government Code not theretofore imposed or by removing or modifying any such regulation theretofore imposed. Where a commission recommendation has such effect, the council shall not make a change in such proposed amendment until the proposed change has been referred to the commission for a report and a copy of the report has been filed with the council. Where a commission recommendation does not have such effect, the council may make changes in the proposed amendment without such a reference back to the commission. When a council proposed change in any proposed amendment is referred back to the commission, the failure of the commission to report within forty days after the reference or such longer period as may be designated by the council shall be deemed to be approved of the proposed change.

(b) When it deems it to be for the public interest, the council may initiate an ordinance amending this chapter. If the proposed amendment does not change any property from one district to another or impose any regulation listed in Section 65800 of the California Government Code not theretofore imposed or removed or modify any such regulation theretofore imposed, the ordinance may be adopted as other ordinances are adopted, but if the proposed ordinance has such effect, then the council shall refer it to the commission for report. If the commission has not held a public hearing on the proposed amendment it shall do so before making its report. The failure of the commission to report within forty days after the reference or such longer period as may be

designated by the council shall be deemed to be approval of the proposed amendment.

(c) No provision in this article shall be deemed to affect the authority of the council to adopt any temporary interim zoning ordinance pursuant to Section 65806 of the California Government Code. (Sec. 8-2311, Ord. 87; Sec. 1, Ord. 270.)

Sec. 8-23112. Effect of denial of application.

Whenever an application for an amendment of the text of this chapter or for rezoning of any property is denied, the application for such amendment or for rezoning of all or any portion of the property shall not be eligible for reconsideration for one year following such denial, except in the following cases:

(a) Upon initiation by the council or commission.

(b) When the new application, although involving all or a portion of the same property, is for a different zoning district than that previously applied for.

(c) When the previous application was denied for the reason that the proposed zoning would not conform with the general plans, and the general plan has subsequently been amended in a manner which will allow the proposed zoning. (Sec. 8-23112, Ord. 87; Sec. 1, Ord. 270.)

- § 8-23150. Schedule of fees, charges and expenses.
- § 8-23151. Payment of fees as prerequisite to action.
- § 8-23152. Exemption.
- § 8-23153. Refunds.

Sec. 8-23150. Schedule of fees, charges and expenses.

The city council shall by resolution establish a schedule of fees, charges, and expenses for conditional use permits, zoning permits, sign permits, amendments to rezone property, planned unit developments, site plan review, variances, appeals, and other matters pertaining to this chapter. The schedule of fees may be changed or modified only by resolution of the city council. (Ord. No. 832, § 23, 4-20-71.)

Sec. 8-23151. Payment of fees as prerequisite to action.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or other matter pertaining to this chapter as to which a fee, charge or payment of expense is required. (Ord. No. 832, § 23, 4-20-71.)

Sec. 8-23152. Exemption.

In addition to any exemptions provided in the schedule of fees, charges and expenses, the following persons are exempted from payment of any fee or charge in the following instances:

(a) Any municipal, political, or governmental corporation, district body, or agency in connection with an application for any conditional use permit;

(b) Any educational, charitable, religious, civic or benevolent, non-profit organization or association proposing to conduct or sponsor an activity for the principal benefit of such organization or association and not for the personal profit of any individual, in connection with any conditional use permit which the zoning administrator has authority to grant or in connection with any temporary or seasonal use which the chief building official has authority to grant. (Ord. No. 832, § 23, 4-20-71.)

Sec. 8-23153. Refunds.

No fee, charge or expense shall be refundable except in any case where the city manager determines and certifies any such fee or portion thereof has been received in error, in which case the amount of money received in error may be refunded to the proper party, any such payment to be processed as are other demands against the city. (Ord. No. 832, § 23, 4-20-71.)

§ 8-23200. Purpose and creation of future width lines.

§ 8-23201. Purpose and creation of special building lines.

Sec. 8-23200. Purpose and creation of future width lines.

For the purpose of measuring yard dimensions and determining building locations with respect to future width lines, there are the following future width lines:

(a) *Mowry Landing Road*. From Cherry Road to the southwesterly terminus, 50 feet as measured from and on each side of the existing centerline.

(b) *State Highway 17 (Alvarado-Centerville Road)*. For a distance of 430 feet southeasterly from the existing centerline of Decoto Road, and for a distance of 435 feet northwesterly of the existing centerline of Decoto Road, 45 feet northeasterly of the existing centerline and 55 feet southwesterly of the existing centerline for a total future width line of 100 feet.

(c) *Decoto Road between Alameda Creek and Nimitz Freeway*. The right-of-way and width lines as shown on that certain precise plan map PPM 554-C-392 for Decoto Road between Alameda Creek southwesterly to the Nimitz Freeway (State Highway 17). Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Map which map is incorporated herein by this reference.

(d) Repealed by Sec. 2, Ord. 706.

(e) Repealed by Sec. 2, Ord. 706.

(f) Repealed by Sec. 2, Ord. 706.

(g) *Driscoll Road*. Driscoll Road, from the Niles-Mission San Jose Road to the Irvington-Mission San Jose Road 46 feet as measured from and on each side of the existing centerline.

(h) *Alvarado-Niles Road*. From Rock Avenue westerly to the Niles School District boundary line, 25 feet as measured northerly from the existing centerline and 85 feet as measured southerly from the existing centerline.

(i) *Fremont Avenue*. From Shinn Street to Overacker Road 50 feet as measured northwesterly from the existing centerline, and from Santos Road to Overacker Road 50 feet as measured southeasterly from the existing centerline.

(j) *Santos Avenue*. Commencing at a point on the centerline of State Highway 17, commonly known as the Centerville-Irvington Road, distant thereon 63.68 feet southeasterly from the intersection thereof with the centerline of County Road No. 94, commonly known as Santos Avenue; thence northeasterly to a point on the southwesterly line of Tract 751, 30 feet southeasterly from the centerline of Santos Avenue; thence northeasterly parallel to and distant southeasterly 30 feet from the centerline of Santos Avenue to a point on the northeasterly line of such Tract 751; thence northeasterly to a point 60 feet southeasterly from the centerline of Santos Avenue measured on a line drawn perpendicular to the centerline of Santos Avenue from a point distant thereon 2200 feet northeasterly from the centerline of Highway 17; thence northeasterly parallel to and distant southeasterly 60 feet from the centerline of Santos Avenue to a point on a line drawn perpendicular to the centerline of Santos Avenue from a point distant thereon 4898.42 feet from the centerline of Highway 17; thence northeasterly and northerly on the arc of a curve to the left, tangent to last such course, the radius of which curve is 1050 feet, a distance on such arc of 351.74 feet to a point 50 feet easterly from the centerline of Santos Avenue measured on a line drawn perpendicular to the centerline of Santos Avenue from a point distant thereon 851.77 feet southerly from the centerline of Fremont Avenue; thence northerly parallel to and distant 50 feet easterly from the centerline of Santos Avenue to the centerline of Fremont Avenue.

The northwesterly and westerly future width lines shall be established 10 feet northwesterly and westerly from the southeasterly and easterly future width lines hereinabove established.

(k) *Alvarado-Centerville Road*. From the proposed State Freeway to Decoto Road 45 feet as measured northeasterly from the existing centerline, and 55 feet as measured southwesterly from the existing centerline.

(l) *Centerville area*. The right-of-way and width lines as shown on that certain Precise Plan Map PPM 560-C-388 for the area generally

erally bounded by Alder Avenue, Dauphine Avenue, Holly Street, Joseph Street, Central Avenue, Parish School Street, Sutton Loop, and including portions of Fremont Boulevard, Thornton Avenue and Peralta Boulevard. Said right-of-way and width lines shall be deemed to be the present and future rights of way, as shown on said Precise Plan Map, which map is incorporated herein by this reference.

(m) *Niles right-of-way map*. The width lines as shown on that certain map entitled "Precise Plan Map B-2, Right-of-Way Adjustments", Niles Planning Area, City of Fremont, California. Said width lines shall be deemed to be the present and future rights of way, as shown on said Precise Plan Map, which map is incorporated herein by reference and is denominated as Exhibit "B".

(n) *Irvington right-of-way map*. The width lines as shown on that certain map entitled "A Guide for Future Development, Map B-3, Right-of-Way Adjustments", Irvington Planning Area, City of Fremont, California. Said width lines shall be deemed to be the present and future rights of way, as shown on said map, which map is incorporated herein by reference and is denominated as Exhibit "B".

(o) *Warm Springs Boulevard*. The width lines as shown on those certain Precise Plan Maps PPM 584-C-352, PPM 584-C-356 and PPM 584-C-360 for Warm Springs Boulevard generally between East Warren Avenue and the southerly city limit. Said width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Maps, which maps are incorporated herein by reference.

(p) *Mission Boulevard, Warm Springs Boulevard and East Warren Avenue*. The right-of-way and width lines as shown on those certain Precise Plan Maps PPM 584-C-360 and PPM 584-C-364 for an area partially bounded by Mission Boulevard, Warm Springs Boulevard and East Warren Avenue. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said precise Plan Maps, which maps are incorporated herein by reference.

(q) *C-B-D area north of Fremont Boulevard and Civic Center area north of the Central Park*. The right-of-way and width lines as shown on those certain Precise Plan Maps PPM 566-C-384, PPM 566-C-388 and PPM 572-C-384 for the central business district area northeasterly of Fremont Boulevard, and for the civic center area northwesterly of the Central Park. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Maps which maps are incorporated herein by this reference.

(r) *Area bounded by Mowry, Argonaut Way, Eggers Drive, and Paseo Padre Parkway*. The right-of-way and width lines as shown on that certain Precise Plan Map PPM 566-C-384 for the area generally bounded by Mowry Avenue, Argonaut Way, Eggers Drive, the future extension of Paseo Padre Parkway, and including a portion of Fremont Boulevard northwesterly of Eggers Drive. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Map, which map is incorporated herein by this reference.

(s) *Centerville area*. The right-of-way and width lines as shown on that certain Precise Plan Map PPM 566-C-388 for the area generally bounded by Paseo Padre Parkway, Arlene Court, Horner Way, Shinn Street, Mowry Avenue, and including a portion of Peralta Boulevard. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Map, which map is incorporated herein by this reference.

(t) *Vicinity Grimmer Boulevard south of Durham Road*. The right-of-way and width lines as shown on those certain Precise Plan Maps PPM 572-C-363, PPM 578-C-364 and PPM

578-C-368 for the area in the vicinity of Grimmer Boulevard between Durham Road and southerly to Fremont Boulevard. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Maps, which maps are incorporated herein by this reference.

(u) *Vicinity Fremont Boulevard southeasterly of C-B-D.* The right-of-way and width lines as shown on those certain Precise Plan Maps PPM 566-C-384 and PPM 566-C-380 for the area in the vicinity of Fremont Boulevard between the C-B-D and Stevenson Boulevard. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Maps, which maps are incorporated herein by this reference.

(v) *Paseo Padre Parkway northeasterly of Warm Springs Blvd.* The right-of-way and width lines as shown on that certain Precise Plan Map PPM 590-C-352 for the extension of the Paseo Padre Parkway from Warm Springs Boulevard for a distance of approximately thirty-six hundred feet northeasterly thereof in the vicinity of the southerly city limit. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Maps, which maps are incorporated herein by this reference.

(w) *Area bounded by Walnut Avenue, Cherry Lane, Tyson Lane and Peralta Boulevard.* The right-of-way and width lines as shown on those certain Precise Plan Maps PPM 572-C-384 and PPM 572-C-388 for the area generally bounded by Walnut Avenue (between Mission Boulevard and Civic Center Drive), Cherry Lane, Tyson Lane, and Peralta Boulevard (between a point approximately one hundred twenty feet southwesterly of Tyson Lane to a point approximately seven hundred feet northwesterly of Cherry Lane). Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Maps, which maps are incorporated herein by this reference.

(x) *Centerville area.* The right-of-way and width lines as shown on that certain Precise Plan Map PPM 560-C-384 for the area generally bounded by Blacow Road, Thornton Avenue, Dusterberry Way, Fremont Boulevard, Eggers Drive and Nagle Way. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Map, which map is incorporated herein by this reference.

(y) *Area bounded by Warren and Kato Avenues, Warm Springs Blvd., Nimitz Freeway, and the south city limit.* The right-of-way and width lines as shown on those certain Precise Plan Maps PPM 584-C-352, PPM 584-C-356, and PPM 584-C-360 for the area bounded by Warren and Kato Avenues, Warm Springs Boulevard, Nimitz Freeway, and the south city limit. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Maps, which maps are incorporated herein by this reference.

(z) *Vicinity Paseo Padre Parkway at Grimmer Blvd. and at Driscoll Rd.* The right-of-way and width lines as shown on those certain Precise Plan Maps PPM 578-C-380 and PPM 572-C-380 for the general area bounded by Mission View Drive, Fremont Boulevard, Driscoll Road, and Paseo Padre Parkway extension, and including such extension to Dorne Place. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Maps, which maps are incorporated herein by

this reference.

(aa) *Paseo Padre Parkway, Mento Drive to Washington Boulevard.* The right-of-way and width lines as shown on those certain Precise Plan Maps PPM 578-C-376, PPM 578-C-380 and PPM 584-C-376 for the extension of Paseo Padre Parkway from Mento Drive southeasterly to Washington Boulevard, including certain intersection designs. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Maps, which maps are incorporated herein by this reference.

(bb) *Paseo Padre Parkway southeasterly of Mission Boulevard and East Warren Avenue in the vicinity of Curtner Road.* The right-of-way and width lines as shown on those certain Precise Plan Maps PPM 584-C-364, PPM 584-C-360 and PPM 590-C-364 for the extension of Paseo Padre Parkway from Mission Boulevard for a distance of approximately twenty-nine hundred feet southeasterly thereof, and for the extension of East Warren Avenue from the vicinity of Crawford Street northeasterly for a distance approximately one thousand feet northeasterly from Curtner Road, and including the intersection of said Paseo Padre Parkway and East Warren Avenue. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Maps, which maps are incorporated herein by this reference.

(cc) *Mission Boulevard between Edenvale Underpass and Pine Street.* The right-of-way and width lines as shown on those certain Precise Plan Maps PPM 578-C-384, PPM 578-C-388, PPM 584-C-384, PPM 584-C-380 and PPM 584-C-376 for Mission Boulevard between Edenvale Underpass and a point approximately five hundred feet southerly of Pine Street, and including Washington Boulevard from Bryant Street to Mission Boulevard. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Maps, which maps are incorporated herein by this reference.

(dd) *Stevenson Boulevard between Davis Street and Fremont Boulevard, and Fremont Boulevard northeasterly of Stevenson Boulevard.* The right-of-way and width lines as shown on that certain Precise Plan Map PPM 572-C-380 for Stevenson Boulevard between Davis Street and Fremont Boulevard, and for the southwesterly side of Fremont Boulevard from Stevenson Boulevard extending northeasterly for a distance of approximately seven hundred feet. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Map which map is incorporated herein by this reference.

(ee) *Osgood Road between Washington Boulevard and Brown Road.* The right-of-way and width lines as shown on those certain Precise Plan Maps PPM 578-C-368, PPM 578-C-372, PPM 578-C-376 and PPM 584-C-364 for Osgood Road beginning at a point approximately thirteen hundred fifty feet southerly of Washington Boulevard and extending southerly to a point approximately three hundred thirty feet southerly of the intersection of Warm Springs Boulevard, Osgood Road and Brown Road, and including portions of Blacow Road, Durham Road, Prune Avenue and Grimmer Boulevard. Said right-of-way and width lines shall be deemed to be the present and future rights-of-way, as shown on said Precise Plan Maps, which maps are incorporated herein by this reference. (Sec. 8-23200, Ord. 87; Ord. 102; Ord. 115; Sec. 2, Ord. 118; Sec. 2, Ord. 119; Sec. 1, Ord. 203; Sec. 2, Ord. 266; Sec. 2, Ord. 272; Sec. 2, Ord. 333; Sec. 2, Ord. 340; Sec. 2, Ord. 344; Sec. 2, Ord. 388; Sec. 2, Ord. 392; Sec. 2, Ord. 406;

Sec. 2, Ord. 410; Sec. 2, Ord. 432; Sec. 2, Ord. 443; Sec. 2, Ord. 468; Sec. 2, Ord. 480; Sec. 2, Ord. 486; Secs. 2, 3, Ord. 505; Sec. 2, Ord. 530; Sec. 2, Ord. 540; Sec. 2, Ord. 541; Secs. 2, 3, Ord. 553; Sec. 2, Ord. 604; Secs. 2, 3, Ord. 665; Sec. 2, Ord. 670; Secs. 2, 3, Ord. 706; Sec. 2, Ord. 719; Sec. 2, Ord. 724; Sec. 2, Ord. 728; Ord. No. 780, § 2, 7-7-70; Ord. No. 794, § 2, 9-15-70; Ord. No. 905, § 2, 6-13-72.)

Sec. 8-23201. Purpose and creation of special building lines.

For the purpose of measuring yard dimensions and determining building lines as provided in this chapter there are the following special building lines:

(a) *Mowry Landing Road*. From Cherry Road to its southwesterly terminus, 80 feet as measured from and on each side of the existing centerline.

(b) *Cooks Road*. From the existing westerly right of way of State Highway 17, westerly 142 feet, 70 feet as measured from and on each side of the existing centerline.

(c) *State Highway 17*. From the existing right of way of Cooks Road, 125 feet northerly and 145 feet southerly, 70 feet as measured westerly from the existing centerline.

(d) *State Highway 17 (Alvarado-Centerville Road)*. For a distance of 430 feet southeasterly from the existing centerline of Decoto Road and for a distance of 435 feet northwesterly of the existing centerline of Decoto Road 65 feet northeasterly of the existing centerline and 75 feet southwesterly of the existing centerline.

(e) *Alvarado-Centerville Road*. From the proposed State Freeway to Decoto Road 65 feet as measured northwesterly from the existing centerline, and 75 feet as measured southwesterly from the existing centerline.

(f) Repealed by Sec. 1, Ord. 725.

(g) Repealed by Sec. 1, Ord. 725.

(h) Repealed by Sec. 1, Ord. 725.

(i) Repealed by Sec. 1, Ord. 725.

(j) *Alvarado-Niles Road*. From Rock Avenue westerly to the Niles School District boundary line 45 feet as measured northerly from the existing centerline and 105 feet as measured southerly from the existing centerline.

(k) *Fremont Avenue*. From Shinn Street to Overacker Road 75 feet as measured northwesterly from the existing centerline and from Santos Road to Overacker Road 75 feet measured southeasterly from the existing centerline.

(l) *Central Avenue*. From Joseph Street to the proposed State Freeway, 100 feet as measured northwesterly from the existing centerline of Central Avenue.

(m) *Driscoll Road*. From the Niles-Mission San Jose Road to the Irvington-Mission San Jose Road 66 feet as measured from and on each side of the existing centerline.

(n) *Mission San Jose right-of-way map*. The building lines and width lines, as shown on that certain map entitled "B-1, Right-of-Way Adjustments", for the purpose of measuring yard dimensions and determining building lines, the future width lines as shown on said map shall be used in determining said dimensions and building lines.

(o) *Niles Boulevard—Sullivan Underpass—G Street*. The special building lines as shown on that certain Precise Plan Map PPM 566-C-392, for portions of Niles Boulevard between F Street and H Street, a portion of Sullivan Underpass, and

the easterly side of G Street between Niles Boulevard southerly to the first unnamed alleyway. Said special building lines shall be deemed to be the present and future lines for the purpose of measuring yard dimensions and determining building lines, as shown on said Precise Plan Map, which map is incorporated herein by this reference. (Sec. 8-23201, Ord. 87; Sec. 1, Ord. 141; Sec. 2, Ord. 519; Sec. 1, Ord. 725.)



C123314303

ARTICLE 33. ENFORCEMENT AND INTERPRETATION OF CHAPTER.

- § 8-23300. Responsibility for enforcement.
- § 8-23300.5. Inspection fees.
- § 8-23301. Violation a public nuisance.
- § 8-23302. Duty of city attorney.
- § 8-23303. Remedies cumulative.
- § 8-23304. Each day a separate offense.
- § 8-23305. Interpretation.
- § 8-23306. Applicability.
- § 8-23307. Maps referred to herein not a part of this Code.

Sec. 8-23300. Responsibility for enforcement.

All departments, officials and public employees of the city vested with the duty or authority to issue permits, shall conform to the provisions of this chapter and shall issue no permit, certificate, or license for uses, buildings, or purposes in conflict with the provisions of this chapter; and any such permit, certificate, or license, issued in conflict with the provisions of this chapter, shall be null and void. It shall be the duty of the building inspector of the city to enforce the provisions of this chapter pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure. (Sec. 8-23300, Ord. 87.)

Sec. 8-23300.5. Inspection fees.

A prescribed fee shall be charged for each inspection necessary to enforce the provisions of this chapter, except that there shall be no fee charged for the initial inspection and any subsequent inspection which verifies compliance with the applicable regulations and other provisions of this chapter. (Ord. No. 832, § 36, 4-20-71)

Editor's note--Sec. 8-23300.5 is derived from Ord. No. 832, § 36.

Sec. 8-23301. Violation a public nuisance.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained, contrary to the provisions of this chapter, and any use of any land, building, or premise established, conducted, operated or maintained contrary to the provisions of this chapter, shall be and the same is hereby declared to be unlawful and a public nuisance. (Sec. 8-23301, Ord. 87.)

Sec. 8-23302. Duty of city attorney.

The city attorney of the city shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and enjoinder of any violation of this chapter, in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining, or using any such building or structure or using property contrary to the provisions of this chapter. (Sec. 8-23302, Ord. 87.)

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